

INTRODUCTION

Animal noise violations can be some of the most difficult situations to resolve. Pima Animal Care Center employs a multi-faceted approach to these violations, which includes complainant and animal owner education, community mediation, and finally enforcement action. A clear understanding of the process will assist all parties during the process.

GOAL

The officer will be able to accurately explain the complaint process to both complainants and animal owners. The officer will be able to issue animal noise violation citations.

APPLICABLE LAWS

Jurisdiction		Code
Pima County	Civil	6.04.160
City of Tucson	Civil	11.73 (3)
City of South Tucson	N/A	none
Marana	Civil	6.7.1
Oro Valley	Civil	none call OVPD
Sahuarita	Civil	6.7.1

COMPLAINT PROCESS

Complainant calls Animal Control to register complaint. (743-7550)

Automated telephone system allows caller to record complainant’s name, phone number, address, and animal owner’s address.

Midnight officer records complaint information into written call log and takes appropriate action on each including entering complaint into Q&A BARK record and marking complaint for daytime follow-up by Enforcement Support Specialist.

(See attachment 1)

Letters are sent by the Pima Animal Care Center to complainant and to animal owner – letter notifies parties of possible problem and asks them to resolve within 7-10 days. If not resolved, complainant is instructed to call Community Mediation Program to attempt mediation. If problem resolved, process is completed.

Enforcement Support Specialist queries Q&A BARK file for complaints needing letters, processes and mails. Letters are mailed Monday – Friday, usually within one day of receiving complaint.

(See attachments 2 and 3)

If problem is not resolved within 7-10 days of receipt of letter, complainant calls Community Mediation Program to attempt mediation. The Community Mediation Program then contacts both parties to arrange for mediation. If mediation is successful, process is completed. If animal owner refuses to mediate, animal owner does not respond, or mediation fails the complainant can then move onto animal noise log. ***If complainant refuses to attempt mediation, Animal Control can not pursue the complaint with enforcement action.***

Pima Animal Care Center contracts with Our Town Family Center/Community Mediation Program to provide mediation at no charge to the participants.

Enforcement Support Specialist acts as liaison with mediation staff. Mediation provides closed case reports which are added to BARK record.

If mediation is attempted but unsuccessful, the complainant may call the Animal Care Center to request the Animal Noise Log. The forms require a verification of mediation attempt and a log of nuisance animal noise. The dates and duration (with start and finish times) of the noise will be required on the log. Once completed and returned, the paperwork is reviewed by a supervisor and sent to the field for citations.

See attachment 4

Citations are issued to animal owner. Animal owner pleads responsible or not responsible.

Hearing is held to determine if animal owner is responsible or not responsible and the sanctions. (Hearing held to determine only sanctions if animal owner pleads responsible).

ISSUING CITATIONS

The officer will issue the third party citation based on the evidence provided in the complainant's noise log. As the purpose of the officer's visit is to issue a citation and not investigate the violation, the officer's report should not contain reference to any noise or lack of noise heard while issuing citations.

In rare instances, an officer will issue a citation based on their own observations. This option will be used at the direction of the Manager.

City of Tucson/Town of Marana

1. On citation, indicate "civil" violation. Use appropriate code.
2. Cite defendant into appropriate court.

Enter appropriate date and times for defendant to appear.

Pima County

On citation, indicate "civil" violation. Use appropriate code.

Have animal owner complete an Entry of Plea form and return with investigation report. If owner refuses or is unable to complete Entry of Plea Form, enter appropriate court date and time noting that they are to appear at Pima Animal Care Center.

Posting Citations

Civil citations may be posted when the Animal Care Center has the personal information of the animal owner needed on the citation – usually from a previously but recently issued citation. Citation must be posted in plain sight and on the primary entrance to the dwelling or property. A photo of the posted citation must be attached to the Investigation Report.

All animal noise citations and supporting paperwork is to be turned in to the ANIMAL NUISANCE box.



**PIMA COUNTY HEALTH DEPARTMENT
PIMA ANIMAL CARE CENTER**

4000 N. SILVERBELL RD • TUCSON, AZ 85745
(520) 743-7550 FAX (520) 743-9581

November 18, 2015

NOISE Complainant

1st Letter sent to complainant confirming receipt of noise complainant.

COMPLAINANT
1234 E. ANYWHERE ST
TUCSON, AZ 85747

RE: ANIMAL NOISE COMPLAINT AT
1236 E. ANYWHERE ST.

This office has received your complaint regarding excessive animal noise. Section 11-73 of the City of Tucson Code and 6.04.160 of the Pima County Animal Code states:

The following activities are prohibited if they produce clearly audible sound beyond the property line of the property on which they are conducted and they disturb the public peace, quiet or comfort of the neighboring inhabitants.

Owning, possessing, harboring or controlling any animal or bird which frequently or for continuous duration howls, barks, meows, squawks or makes other sounds.

Your neighbor has been mailed a copy of the animal noise ordinance, animal noise complaint process and resource sheet for animal owners. Please allow your neighbor 7 to 10 days to address the problem.

If, after 7 to 10 days, the excessive animal noise persists, call the Community Mediation Program at 323-7862 and attempt to resolve the problem through mediation (at no cost to you or your neighbor).

If you, as the complainant, refuse to mediate, Pima Animal Care Center can no longer pursue the complaint with enforcement action.

If you have any questions, please contact Pima Animal Care Center at 743-7550 extension 207 or 210, Monday through Friday.

Thank You,

Michelle Moore

Michelle Moore, Enforcement Support Specialist
Pima Animal Care Center



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PIMA ANIMAL CARE CENTER**

4000 N. SILVERBELL RD • TUCSON, AZ 85745
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Estimado Residente,

Esta oficina ha recibido su queja en referencia a ruido excesivo. La sección 11-73 de el Código de la Ciudad de Tucson (City of Tucson Code) y la sección 6.04.160 de la Código de el Condado de Pima (Pima County Code) prohíbe:

Las siguientes actividades son prohibidas si producen sonidos que son audibles claramente más allá de la línea de propiedad en la cual son conducidas y disturban la paz pública, la tranquilidad o serenidad de los vecinos.

Posser, ser dueño, mantener, o permitir a cualquier animal o ave que frecuentemente o por periodos continuos aulle, ladre, maulle, o haga cualquier otro sonido.

Le hemos mandado a su vecino una copia de la ordenanza contra ruido excesivo, el proceso de queja contra ruido excesivo y la hoja de recursos para los dueños de animales. Por favor dele a su vecino de 7 a 10 días para resolver el problema.

Si despues de 7 a 10 días, el ruido excesivo continua, llame al Programa de Mediación Comunitaria al 323-7862 para tratar de solucionar el problema por mediación (a no costo).

Si usted, como el demandante, se rehusa a mediar el problema, el Centro de Control Animal Pima no podrá tomar ninguna acción legal en este caso. Si usted tiene alguna pregunta con respecto a esta carta, por favor no dude en llamarnos al telefono 743-7550, extensiones 207 o 210, de Lunes a Viernes.

Muchas gracias,

Michelle Moore

Michelle Moore, Enforcement Support Specialist
Pima Animal Care Center

**PIMA COUNTY HEALTH DEPARTMENT
PIMA ANIMAL CARE CENTER**4000 N. SILVERBELL RD • TUCSON, AZ 85745
(520) 743-7550 FAX (520) 743-9581

November 18, 2015

NOISE Animal Owner
1st letter sent to animal owner following
receipt of complainant**RESIDENT**1236 E. ANYWHERE ST.
TUCSON, AZ 85747

This office is in receipt of a complaint alleging that your animal is creating excessive noise and disturbing your neighbors. Section 11-73 of the City of Tucson Code and 6.04.160 of the Pima County Animal Code states:

The following activities are prohibited if they produce clearly audible sound beyond the property line of the property on which they are conducted and they disturb the public peace, quiet or comfort of the neighboring inhabitants.

Owning, possessing, harboring or controlling any animal or bird which frequently or for continuous duration howls, barks, meows, squawks or makes other sounds.

Please note that the Animal Noise Ordinance is a separate ordinance from the standard NOISE Ordinance, which regulates non-animal noise.

Animals make noise for a variety of reasons, including protection of their owner's property, response to new or unusual stimulus or from being left alone. However, animals that make noise routinely, over periods of time, or at disruptive times can create hard feelings between neighbors and cause them undue stress and irritability. The intent of this letter is to notify you of the alleged problem and to offer you the opportunity to take action concerning this matter.

Enclosed is a brochure that contains general information about animal noise and possible resources for animal owners. You will also find important information, which outlines Pima Animal Care Center's process concerning animal noise complaints. You may find additional information at www.found-pets.org/pacc.html – click on Nuisance Animals.

Over years of working with animal noise complaints, mediation has proven to be useful in helping to resolve these issues. If this office continues to receive complaints of excessive animal noise, you will have the opportunity to participate in mediation (at no cost) through the Community Mediation Program of Our Town Family Center.

Failure to comply with the above ordinance can result in a civil infraction and court hearing. Fines of fifty dollars (\$50.00) per day for each day that the animal continues to make sounds could be assessed against the animal owner.

If after reading the enclosed information you have any questions, please contact the Community Mediation Program at 323-7862.

Thank You,

*Michelle Moore*Michelle Moore, Enforcement Support Specialist
Pima Animal Care Center



PIMA COUNTY HEALTH DEPARTMENT

PIMA ANIMAL CARE CENTER

4000 N. SILVERBELL RD • TUCSON, AZ 85745

(520) 743-7550 FAX (520) 743-9581

Estimado Residente,

Esta oficina ha recibido una queja alegando que su animal (es) produce ruido excesivo y disturba a sus vecinos. La sección 11-73 de el Código de la Ciudad de Tucson (City of Tucson Code) y la sección 6.04.160 de la Código de el Condado de Pima (Pima County Code) prohíbe:

Las siguientes actividades son prohibidas si producen sonidos que son audibles claramente más allá de la línea de propiedad en la cual son conducidas y disturban la paz pública, la tranquilidad o serenidad de los vecinos.

Posser, ser dueño, mantener, o permitir a cualquier animal o ave que frecuentemente o por periodos continuos aulle, ladre, maulle, o haga cualquier otro sonido.

La Ordenanza de Ruido de Animales es independiente de la Ordenanza de Ruido, la cual regula ruido que no es producido por animales.

Los animales producen ruido por diversos motivos, incluyendo la protección de la propiedad de su dueño, como respuesta a estímulos inusuales o el ser dejado solo. De cualquier modo, si un animal hace ruido en forma rutinaria, por largos periodos de tiempo, o durante horas en que es perturbador, puede crear sentimientos negativos entre los vecinos y causarles tensión e irritación. La intención de ésta carta es la de notificarle de el problema y permitirle tomar las acciones adecuadas para resolverlo.

Dentro de el sobre hay un folleto que contiene información general acerca de ruido producido por animales e ideas para corregir éste problema. También encontrara información importante acerca de el proceso que es usado por el Centro de Control Animal Pima para el manejo de este tipo de quejas. Usted puede encontrar más información en nuestra pagina en la web: www.found-pets.org/pacc.html siga el enlace Nuisance Animals.

Despues de varios años de trabajar las quejas acerca de ruido producido por animales, el proceso de mediación ha probado ser sumamente útil para resolver estos problemas. Si ésta oficina recibe más quejas con respecto a ruido excesivo por parte de su mascota, usted tendra la oportunidad de participar en el programa de mediación (sin costo) através de el Programa de Mediación, Nuestro Pueblo, Centro Familiar (Mediation Program of Our Town Family Center) al teléfono 323-7862.

Fallar en el cumplimiento de ésta ordenanza puede resultar en que acción legal sea tomada contra el dueño de el animal. Multas de \$50.00 (cincuenta dolares) por cada día en que el animal continua haciendo el ruido pueden ser aplicadas contra el dueño de el animal en cuestión.

Si despues de haber leído la información incluida en el sobre usted tiene otras preguntas, por favor llame el Programa de Mediación al 323-7862.

Muchas gracias,

Michelle Moore

Michelle Moore, Enforcement Support Specialist
Pima Animal Care Center

Resources for Dog Owners and Neighbors

The following list is offered as a courtesy only. The provision of this information does not imply any type of endorsement or requirement, nor is it intended to be a recommendation to remedy a situation being mediated or otherwise served by Pima Animal Care Center or The Community Mediation Program of OUR TOWN Family Center. We have not received any payment or other compensation for listing the following sources. This list represents only a sample of the materials and services that are available. We encourage pet owners to explore additional options and to seek the professional advice of a veterinarian or other animal expert.

Devices that may be used by the animal owner or by a neighbor:

MISCELLANEOUS INFORMATION: www.aquariuspetsupplies.com/anti-bark.htm

“BARK FREE” - Toll free phone number 1-888-607-9902. Bark-Free is a device that does not come into physical contact with the dog. It uses sound transmissions to curb barking. http://safehomeproducts.com/shp/ES/Bark_Free.asp

“BARKER BREAKER” and “SUPER BARKER BREAKER” – This device uses sound transmissions to curb barking and does not come into physical contact with the dog. For information, contact the Pet Division at United Security Products, 1-800-227-1592.

Electrical Impulse Stimulation Collars:

Miscellaneous resources - <http://www.electronicdogcollars.com/barkcollars.html> www.dogtronics.com
www.nomorebarking.com www.fancypaws.com/barkcontrol.html www.petsafeonline.com
www.aquariuspetsupplies.com www.info@barkcollars.net

Information about collar safety - www.petsafe-florida.com/nopain.htm www.petsafe-florida.com/myths.htm

“BARK INHIBITOR” from PET SAFE PRODUCTS (865-777-5404) – also available locally at larger pet stores and Home Depot. Internet address: info@barkcollars.net

TRI-TRONICS (520) 290-6000; Tri-Tronics offers a variety of bark collar styles and prices.



INNOTEK collars (variety of styles and prices); available through Cactus Canine (520) 88-1951 & Kennel Comfort (520) 887-7131.

“NO-BARK TRAINER” – available through Cabela’s catalog, 1-800-237-4444.

Sound Stimulation Collar

“ULTRA-SONIC” from PET SAFE PRODUCTS (865-777-5404) – Also available locally at larger pet stores and Home Depot.

Scent Stimulation Collar

CITRONELLA COLLAR from PET SAFE PRODUCTS (865-777-5404) – Also available locally at larger pet stores & Home Depot.

Electronic / Invisible Fencing

DOGWATCH HIDDEN FENCE SYSTEM (520) 682-0911

INVISIBLE FENCE OF SOUTHERN ARIZONA (520) 790-4246; Free consultation, product-related dog training, product installation, maintenance and guarantee. This product is also available at 2-Bar-O Country Store, PetCo and PetsMart.

Professional Dog Trainers

Bonnie Fortier (520) 579-8096

Dog Training Company (520) 745-5050

Humane Society of Southern Arizona (520) 327-6088

Mary Carrols (520) 749-5345

Puppy Steps and Beyond (520) 749-9121

Sonoran Desert Dog (520) 747-1840

Night Winds International – Seth Botts (520) 578-2977

PetsMart Stores (please see your phone book for locations)

The information on this sheet is accurate as of October 2001.

Animal Noise Complaint Process

1. Complainant calls Animal Care Center to register complaint. (743-7550, option 2, option 7)
2. Letters are sent by Animal Care Center to complainant and to animal owner – letter notifies parties of possible problem and asks them to take corrective action. If not resolved, complainant is instructed to call the Community Mediation Program to attempt mediation. If problem is resolved, process is completed.
3. If problem is not resolved within 7-10 days of receipt of letter, complainant calls Community Mediation Program to attempt mediation. The Community Mediation Program then contacts both parties to arrange for mediation. If mediation is successful, process is completed. If animal owner refuses to mediate, animal owner does not respond, or mediation fails, the complainant may then request an animal noise log. ***If complainant refuses to attempt mediation, the Pima Animal Care Center cannot pursue the complaint with enforcement action.***
4. If mediation is attempted but unsuccessful, the complainant may call Animal Care Center to request an animal noise log. The forms require a verification of mediation attempt and a log of nuisance animal noise. The dates and duration (with start and finish times) of the noise will be required on the log. Once completed and returned, the paperwork is reviewed by a supervisor and sent to the field for citations to be issued to the animal owner.
5. Citations are issued to animal owner. Plea date is marked on citation. Animal owner enters plea of responsible or not responsible and a court date is set. The animal owner and complainant are notified by mail of the hearing date.
6. Court hearing is held to determine if animal owner is responsible or not responsible and the sanctions.

*****Repeat noise complaints involving the same parties may not follow the above progression.***

**Pima Animal Care Center
4000 N. Silverbell Rd.
Tucson, AZ 85745
520/743-7550
www.found-pets.org/pacc.html**

Click on [Nuisance Animals](#) for more information



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November 18, 2015

NOISE Complainant
Cover letter and noise log sent to
complainant following a failed mediation
attempt

COMPLAINANT
1234 E. ANYWHERE ST
TUCSON, AZ 85747

RE: ANIMAL NOISE COMPLAINT AT
1236 E. ANYWHERE ST

Enclosed please find the ANIMAL NOISE LOG and instructions that you requested.

- The Pima Animal Care Center may require that at least two people who reside at different addresses sign the petition.
- Please fill out the Animal Noise Log as completely as possible.
- Please print or type the information clearly.
- When the animal or bird is making noise, it is imperative to determine which animal or bird is making the noise and to note such on your log. This determination will enable you and your neighbors to testify that it was the animal or bird in question that was making the noise rather than another animal or bird in the neighborhood.
- Be sure to include the animal breed, color and name – if known
- Please be sure to use specific dates and duration of the noise with start and stop times.
- Please mark all times as A.M. or P.M. or use military time.
- We suggest that you include a minimum of 3-5 days.
- Illegible logs will be returned to you.
- The written evidence you provide will be used to issue a Third Party Citation, with you as the complainant, to the animal owner for the violation of the animal noise ordinance.

After completing the log, keep a copy for your records and return the log to the above address attention: Animal Nuisance.

If you have any questions about filling out the forms, please contact me at 743-7550 x 210 Monday-Friday 8 a.m. –5 p.m.

Thank you,
Michelle Moore
Michelle Moore
Enforcement Support Specialist

Animal Waste and Noise Complaints
Received via Voice Mail

ATTACHMENT #1

TYPE: AW Noise **JURISDICTION:** City County **DATE:** _____

COMPLAINANT'S NAME: _____

ADDRESS: _____ **ZIP CODE:** _____

PHONE#: _____

ANIMAL OWNER'S ADDRESS: _____ **ZIP CODE:** _____

NOTES: _____

ACTION TAKEN: _____ Entered in Q & A for letters to be sent (enter VM/Emp# in comments field

(enter emp#/date in _____ Needs call back/follow-up to complete

these fields) _____ Not a 1st complaint, needs follow-up (wants log, wants status, etc.,)

_____ Followed up/Call Complete

Animal Waste and Noise Complaints
Received via Voice Mail

TYPE: AW Noise **JURISDICTION:** City County **DATE:** _____

COMPLAINANT'S NAME: _____

ADDRESS: _____ **ZIP CODE:** _____

PHONE#: _____

ANIMAL OWNER'S ADDRESS: _____ **ZIP CODE:** _____

NOTES: _____

ACTION TAKEN: _____ Entered in Q & A for letters to be sent (enter VM/Emp# in comments field

(enter emp#/date in _____ Needs call back/follow-up to complete

these fields) _____ Not a 1st complaint, needs follow-up (wants log, wants status, etc.,)

_____ Followed up/Call Complete

Animal Waste and Noise Complaints
Received via Voice Mail

TYPE: AW Noise **JURISDICTION:** City County **DATE:** _____

COMPLAINANT'S NAME: _____

ADDRESS: _____ **ZIP CODE:** _____

PHONE#: _____

ANIMAL OWNER'S ADDRESS: _____ **ZIP CODE:** _____

NOTES: _____

ACTION TAKEN: _____ Entered in Q & A for letters to be sent (enter VM/Emp# in comments field

(enter emp#/date in _____ Needs call back/follow-up to complete

these fields) _____ Not a 1st complaint, needs follow-up (wants log, wants status, etc.,)

_____ Followed up/Call Complete