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**San Mateo Police Department**



200 Franklin Parkway  
San Mateo, California 94403-1921  
Support Services: (650) 522-7620  
<http://www.cityofsanmateo.org>

Dear San Mateo Resident:

Enclosed in this Barking Dog Complaint Packet is information that will advise you how to handle a habitually barking dog that is causing a nuisance in your neighborhood. Police officers no longer respond to barking dog complaints because of reduced police resources and lack of effective, informal resolution tools. Please review the packet carefully as all requirements must be met in order to forward a completed packet to the San Mateo City Attorney's Office for review and possible criminal prosecution of the offending dog owner.

Completed packets may be submitted to the San Mateo Police Department front counter, Monday through Friday, 8:00 a.m. to 5:00 p.m. Packets will then be reviewed; any packet that is not complete or unsigned will be returned to the resident with an explanation of requirements that were not met. The San Mateo Police Department will then forward the completed packet to the City Attorney's office.

Should you have any questions, please contact the Support Services secretary at 522-7620.

It is our sincere hope that, by working together, we can make each neighborhood in the City of San Mateo peaceful and enjoyable for all community members.

Sincerely,

TED GONZALES  
LIEUTENANT

# ***BARKING DOG COMPLAINTS***

## ***in the City of San Mateo***

### **San Mateo Police Dept.**

200 Franklin Parkway  
San Mateo, CA 94403  
650-522-7620  
[www.cityofsanmateo.org](http://www.cityofsanmateo.org)

### **Peninsula Humane Society & SPCA**

12 Airport Blvd.  
San Mateo, CA 94401  
650-340-7022  
<http://www.peninsulahumanesociety.org/>

### **Tom and Annette Lantos Center for Compassion**

Adoptions | Education | Wildlife  
| Administration  
1450 Rollins Road,  
Burlingame, CA 94010  
Phone 650.340.7022  
Fax 650.685.8428

### **Coyote Point Shelter**

Lost/Found | Animal Intake |  
Spay/Neuter | Animal Control  
12 Airport Blvd.  
San Mateo, CA 94401  
Phone 650.340.7022  
Fax 650.348.7891  
<http://www.peninsulahumanesociety.org/>

### **Peninsula Conflict Resolution Center**

1660 S. Amphlett Blvd, Ste 219  
San Mateo, CA 94402  
650.345.7272  
650.513.0335 Fax  
[www.pcrweb.org](http://www.pcrweb.org)

<http://www.pcrweb.org/pcrc-services/mediation/mediation-referral-form/>

***The San Mateo Police Department, in conjunction with the San Mateo City Attorney's Office, has established a program to assist residents in obtaining relief from habitually barking dogs causing a nuisance in their neighborhood.***

**Due to budget restraints the San Mateo Police Department no longer dispatches police officers to barking dog complaints.**

Barking dogs are a serious nuisance. Because of limited police and governmental funding, however, the police department is no longer able to assist the community by responding to complaints of habitual barking. In fact, in most circumstances, by the time an officer arrives at the scene the dog is no longer barking and a police unit is unavailable for more serious public service calls.

This program has been established to assist San Mateo residents with their efforts towards resolving the problems associated with habitually barking dogs. This program is designed to encourage residents to reach a reasonable resolution with their neighbors through direct communication and mediation with the offending dog owner before pursuing legal action. If repeated attempts through private dispute resolution fail and legal action is required, the enclosed material provides the required information necessary for the City Attorney's Office to prepare a criminal complaint for prosecution.

Habitual dog barking is prohibited by San Mateo Municipal Code, Chapter 8.02.070(c). Habitual barking is defined as barking by one or more dogs for extended periods of time. The San Mateo Police Department considers barking to be habitual when it has occurred for more than five (5) minutes per incident per day. Repeated incidents of habitual barking occurring over several days may result in infraction citations which are similar to parking ticket violations or more serious misdemeanor charges. The City Attorney's Office will review a complaint of eight (8) incidents of barking that occur in a one-month period.

In order to prove a charge of habitual barking, specific factual information is required and strong evidence is necessary. The Police Department and the City Attorney require complaining neighbors to maintain a log of the dates and times in which an identified dog, at a specific location, is disturbing the peace of the neighborhood. Additional supporting evidence should include a date-stamped audio-recording of the offending dog from the location of the complainant's property as it is habitually barking.

A complaint of habitual barking is stronger if it is supported by more than one neighbor. Therefore, the Police Department and City Attorney have determined that at least one other neighbor must verify that the dog's barking was habitual and caused a nuisance on at least five incidents. Witness verification must be provided in the form of a declaration signed under penalty of perjury by each witness specifically stating the dates and times of each incident of habitual barking. A declaration and an incident log are included in this informational packet. If you have questions about the declaration and/or logging procedure you may contact the San Mateo Police Department.

**When preparing a complaint of habitual barking, please be sure to note on the *Barking Dog Incident Log*:**

1. The date and time the barking started, and when the barking stopped.
2. The specific address of the dog and your address. Please remember that the barking must be audible from within your home, and barking must be continuously audible for at least five minutes.
3. Evidence, if available, based on personal observation, that the dog was not provoked into barking.
4. The eight (8) incidents of habitual barking must take place over a one-month period of time.

**You must comply with the requirements that:**

1. Two courtesy cards documenting eight (8) or more days of habitual barking was sent by certified mail, return receipt requested, to the offending dog owner, with a copy retained for proof.
2. Private mediation or arbitration has been attempted, refused, and failed. If you would like assistance in discussing this issue with your neighbor(s), contact the Peninsula Conflict Resolution Center (PCRC) at 345-7272, **or**
3. If you prefer to submit a request for a case online with PCRC, you may fill out a Mediation Referral Form online at: <http://www.pcrweb.org/pcrc-services/mediation/mediation-referral-form/>
4. **Please note that PCRC charges \$30 per person, per mediation session.**
5. If you have any other mediation-related questions you may email Lily Liggins at [lliggins@pcrcweb.org](mailto:lliggins@pcrcweb.org).
6. Prior to submitting your package for review, you and at least one neighbor have signed the declaration under penalty of perjury that your neighbor observed five (5) incidents and you have complied with all of the above requirements.

Once a completed package is submitted to the San Mateo Police Department, the package will be reviewed for completeness. Packages that are incomplete or unsigned will result in no action being taken by the Police Department or the City Attorney's Office. Provided the complaint package is complete, the Police Department will send a formal warning letter advising the dog owner that the problem has resulted in a nuisance and that unless the problem is remedied within five (5) business days, the matter will be referred to the City Attorney's Office for review to determine whether charges will be filed. It shall be the sole discretion of the City Attorney's Office to prosecute a claim, and the City Attorney's office will send the complainant a letter advising whether the complaint will be prosecuted or whether other action will be taken to resolve the problem.

Unless the charge results in a guilty plea or negotiated settlement, the case will be set for trial. Most cases are set for trial approximately six (6) months from the time the case is filed with the Superior Court. If a case is set for trial, all witnesses, including the complaining neighbors will be subpoenaed to testify at trial. Attendance at the trial is mandatory for complaining neighbors and witnesses.

If the matter proceeds to trial, a Superior Court judge, with or without a jury, will hear testimony, review the evidence and then decide if the evidence supports a finding of guilt. If found guilty, a defendant faces a fine of up to \$1,000, six months in jail for each charge, and court probation. While the City Attorney may make a recommendation regarding sentencing, the judge at the hearing has the sole discretion to determine the actual sentence.

For more information on the prosecution of barking dogs and how owners can prevent dogs from barking, the San Mateo Police Department has enclosed specific literature in this packet. If you need additional help with barking issues, you can call the Peninsula Humane Society's Animal Behavior helpline at 340-7022, ext. 783.

Complaining neighbors may submit completed original packets to the San Mateo Police Department, Monday-Friday, 8:00 a.m. to 5:00 p.m. Complainants should make copies of the submitted information prior to delivering the packets to the Police Department.

**Please Remember:**

**Enforcement of the laws against barking dogs is possible only with the cooperation and assistance of the residents of San Mateo themselves. The Police Department and City Attorney's Office cannot solve barking dog problems without your participation. Please take the time to fully document each offense and obtain proper evidence so that the law can be enforced.**

## Barking Dog Incident Log City of San Mateo

(One entry per day that the dog barked continuously for at least five (5) minutes.)

#	Date	Time Began	Time Ended	Were Owners Home?	Location of Dog	Your Location	Description of Event	Name, Address, and Phone no. of Neighbor Verifying Barking
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								
11.								
12.								
13.								
14.								

## Barking Dog Worksheet Courtesy Letters

#	First letter sent to: (Name and address of dog owner)	Date	Sent by
1.			

#	Second letter sent to: (Name and address of dog owner)	Date	Sent by
2.			

### Check off List

#	Item	Yes / No	Brief explanation	Date Completed
1.	Did you personally speak to the offending dog owner?	Yes <input type="checkbox"/>		
		No <input type="checkbox"/>		
2.	Were two certified letters sent to dog owner?	Yes <input type="checkbox"/>		
		No <input type="checkbox"/>		
3.	Did PCRC mediation occur?	Yes <input type="checkbox"/>		
		No <input type="checkbox"/>		
4.	Were civil remedies attempted?	Yes <input type="checkbox"/>		
		No <input type="checkbox"/>		
5.	Have eight incidents of barking taken place on separate days, for at least five minutes, within a one-month period?	Yes <input type="checkbox"/>		
		No <input type="checkbox"/>		
6.	Have at least five incidents been witnessed by at least one other neighbor? (List dates and times of incidents witnessed by neighbor on the Incident Log.)	Yes <input type="checkbox"/>		
		No <input type="checkbox"/>		

### Declaration

*We declare under penalty of perjury under the laws of the State of California that the forgoing is true and correct.*

Signature:	Signature of witnessing neighbor to five incidents:
Print name: <span style="float: right;">Date:</span>	Print name: <span style="float: right;">Date:</span>
Address:	Address:
Phone #:	Phone #:



***OFFICIAL FIRST NOTICE***

CERTIFIED MAIL

Dear Neighbor:

This is to advise you that your dog has been barking or howling for five minutes or more in a manner that is disturbing your neighbors.

Dogs bark for a variety of reasons; sometimes they bark for a good reason. However, dogs that bark because they like to are a nuisance and often owners do not realize that their dog may be causing a disturbance to their neighbors.

These incidents are being documented and it is hoped that this will not continue as the San Mateo Muni Code indicates that this is an illegal activity.

On the following three dates and times your dog has caused a disturbance:

1. Date: \_\_\_\_\_ Time: \_\_\_\_\_
2. Date: \_\_\_\_\_ Time: \_\_\_\_\_
3. Date: \_\_\_\_\_ Time: \_\_\_\_\_

I am sure you are not aware of this issue, but the good news is that dogs and neighbors can live in harmony. Pet owners can get information from the Peninsula Humane Society about why dogs bark. They also offer advice on how to correct excessive barking. Their website is <http://www.peninsulahumanesociety.org/>

I would like to thank you for respecting the quiet enjoyment of the neighborhood by all your neighbors.

Signed:

(This letter is required by the San Mateo Police Department for documentation of a Barking Dog Complaint)

**OFFICIAL SECOND NOTICE**

CERTIFIED MAIL

Dear Neighbor:

Your dog has continued to bark or howl continuously for five minutes or more in a manner that is disturbing your neighbors.

You received a previous notice (mailed on) \_\_\_\_\_, yet the nuisance has not been abated.

On the following dates and times, your dog has disturbed at least two of your neighbors:

- 4. Date: \_\_\_\_\_ Time: \_\_\_\_\_
- 5. Date: \_\_\_\_\_ Time: \_\_\_\_\_
- 6. Date: \_\_\_\_\_ Time: \_\_\_\_\_
- 7. Date: \_\_\_\_\_ Time: \_\_\_\_\_
- 8. Date: \_\_\_\_\_ Time: \_\_\_\_\_

Eight incidents have occurred within a one-month period. These incidents, which have disturbed at least two neighbors, have been documented and the complaint will be reviewed by the San Mateo Police Department and the City Attorney's Office.

Barking dog complaints are a misdemeanor, punishable by six months in the county jail and/or a \$1,000 fine. You can avoid prosecution by resolving this nuisance immediately and/or by calling me at \_\_\_\_\_, so that we can attend mediation at the Peninsula Conflict Resolution Center (PCRC). Please note, there are fees associated with this. PCRC's website is <http://www.pcrcweb.org>.

You will not receive another notice prior to prosecution.

I would like to thank you for respecting the quiet enjoyment of the neighborhood by all your neighbors.

Signed: