



CITY OF LOS ANGELES  
**L A ANIMAL SERVICES**



Date: May 22, 2008  
To: Board of Animal Services Commissioners  
From: Edward A. Boks, General Manager  
Subject: Definitions of Barking Dog Noise under other Southern California jurisdictions.

At the May 12, 2008 Commission meeting, the Commission requested a more definitive definition of barking dog noise. Research of the municipal codes of other local counties and cities show that more definitive definitions exist. The Department would like the Commission to consider whether LAMC 53.63 should be revised to include a more definitive definition of barking dog noise in the City of Los Angeles.

In 2007, the Department heard 160 barking dog cases. This number does not include the number of barking dog complaints responded to by the Department that did not require a formal Administrative Hearing.

The **Los Angeles** Municipal Code (LAMC) 53.63 Barking Dog Noise states:

It shall be unlawful for any person to permit any dog or dogs under his or her charge, care, custody or control to emit any excessive noise after the Department has issued a written notice advising the owner or custodian of the alleged noise and the procedures as set forth below have been followed. For purposes of this section, the term "**excessive noise**" shall mean noise which is unreasonably annoying, disturbing, offensive, or which unreasonably interferes with the comfortable enjoyment of life or property of one or more persons occupying property in the community or neighborhood. However, the provisions of this section shall not apply to any commercial animal establishment permitted by zoning law where located.

The LAMC definition of barking dog noise has been criticized as being too vague and open to interpretation. Other Southern California county and city barking dog ordinances more clearly define what constitutes a barking dog based on the length of the barking, the number of people that are disturbed, and the proximity of the residence of the barking dog to the residences of the disturbed parties.

For example, **Orange County** Codified Ordinance 4-1-59 clearly defines what is deemed to be a barking dog as:

"A dog that barks, bays, cries, howls or makes any noise for an extended period of time... Such extended period of time shall consist of incessant barking for 30 minutes or more in any 24-hour period, or intermittent barking for 60 minutes or more during any 24-hour period."

It defines a responsible person as:

“A person who allows a barking dog violation to exist, whether through willful action, failure to act, or failure to exercise proper control over a barking dog [or] Owner of property upon which a barking dog violation occurs.”

**San Diego** Municipal Code Section 59.5.0502C provides that:

The keeping or maintenance, or the permitting to be kept or maintained upon any premises owned, occupied, or controlled by any person of any animal or animals which by any frequent or long continued noise, shall cause annoyance or discomfort to a reasonable person of normal sensitiveness in the vicinity is unlawful.

Criteria defining a violation of the noise ordinance; Any animal noise that disturbs

- two or more residents residing in separate residences adjacent to any part of the property on which the subject animal or animals are kept or maintained;
- three or more residents residing in separate residences in close proximity to the property on which the subject animal or animals are kept or maintained.

The Commissioners may direct staff to develop a revised ordinance, similar to the examples from other local municipalities as shown above, for the Board's review at a future Commission Meeting.