Memorandum

DATE: November 7, 2014

TO: Honorable Members of the Quality of Life & Environment Committee: Dwaine R. Caraway (Chair)
   Sandy Greyson (Vice Chair), Adam Medrano, Rick Callahan, Carolyn R. Davis, Lee M. Kleinman

SUBJECT: Noise Disturbances by Animals

On Monday, November 10, 2014, the Quality of Life & Environment committee will be briefed by Code
Compliance Services on Noise Disturbances by Animals. The briefing is attached for your review.

Please contact me if you have any questions.

Joey Zapata
Assistant City Manager

Attachment

C: Honorable Mayor and Members of the City Council
   A.C. Gonzalez, City Manager
   Warren M.S. Ernst, City Attorney
   Craig D. Kinton, City Auditor
   Rosa A. Rios, City Secretary
   Daniel F. Solis, Administrative Judge
   Ryan S. Evans, First Assistant City Manager

Eric D. Campbell, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Jeanne Chippefield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

“Dallas, the City that Works: Diverse, Vibrant and Progressive”
Noise Disturbances by Animals

Quality of Life & Environment Council Committee
November 10, 2014
Purpose

• Present the current situation and process for Dallas Animal Services handling of noisy and prohibited animals (e.g., barking dogs and roosters)
DAS Request for Service Calls

FY 13-14

- FY 13-14 DAS SRs: 47,979 (97%)
- Noise SRs: 1,682 (3%)
- Prohibited Rooster SRs: 420 (< 1%)

FY 12-13

- FY 12-13 DAS SRs: 48,572 (99%)
- Prohibited Rooster SRs: 1,810 (4%)
- Other SRs: 463 (1%)

FY 11-12

- FY 11-12 DAS SRs: 52,245 (99%)
- Noise SRs: 1,758 (3%)
- Prohibited Rooster SRs: 55 (< 1%)

FY 10-11

- FY 10-11 DAS SRs: 50,072 (99%)
- Noise SRs: 1,489 (3%)
- Prohibited Rooster SRs: 467 (1%)
FY 2013-14 All DAS Request for Service Calls
SEC. 7-7.4. DISTURBANCE BY ANIMALS.

a) A person commits an offense if he knowingly owns an animal that unreasonably barks, howls, crows, or makes other unreasonable noise near a private residence. Noise made by an animal is unreasonable under this subsection if the noise:

1) continues more than 15 consecutive minutes; or

2) exceeds the sound pressure level allowed in a residential district under the Dallas Development Code.

b) A person who is disturbed by an animal that unreasonably barks, howls, crows, or makes other unreasonable noise near a private residence may file a disturbance complaint with the director. A disturbance complaint must include the name and address of the complainant, the location of the disturbance, the type of animal causing the disturbance, and the times that the animal is causing the disturbance.

c) The director shall mail to the animal’s owner a notice that the disturbance complaint has been received. A copy of the notice must be mailed to the complainant.

d) If, after receiving notice from the director that a disturbance complaint has been received, the owner continues to allow the animal to cause a disturbance:

1) the complainant may file a complaint, in writing, with the city attorney; or

2) the director may issue a citation to the owner for the violation of this section. (Ord. 26024)
Disturbance by Animals Process

• Complaint based
• Letter sent to identified owner and complainant
• Three complaints triggers DAS Officer site visit
• If violation confirmed, criminal citation issued
  ➢ Criminal citations may be issued for other Chapter 7 violations as well

Queries CSR daily mails Noisy Animal/Alleged Violator Notice

If disturbance continues after receipt of Notice

Complainant may file a written complaint with City Attorney’s Office

After 3 complaints, DAS Officer site visit for confirmation of violation

If violation confirmed, issuance of Criminal Citation

If unable to contact owner, COD Notice of Violation/Complaints left at residence

If owner is not compliant with other Chpt 7 req., a Criminal Citation for each violation may be issued
Noise Service Requests, Outside Complaints, Complaints Filed, and Citations

<table>
<thead>
<tr>
<th></th>
<th>2010-11</th>
<th>2011-12</th>
<th>2012-13</th>
<th>2013-14</th>
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<tr>
<td>Noise SRs Received</td>
<td>1,489</td>
<td>1,758</td>
<td>1,810</td>
<td>1,682</td>
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<tr>
<td># of Attorney Complaints Received</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>14</td>
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<tr>
<td># of Cases Filed with Attorney</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>3</td>
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<tr>
<td>Noise Citations Issued</td>
<td>1</td>
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</table>
City of Dallas Prohibited Animal Ordinance

SEC. 7-7.3. KEEPING OF ROOSTERS.

a) In this section, ROOSTER means the male of the domestic fowl.
b) A person commits an offense if he owns a live rooster on any premises within the city.
c) It is a defense to prosecution under Subsection (b) that the rooster is:
   1) kept on premises upon which animal production is permitted under Section 51A-4.201 of the Dallas Development Code;
   2) being exhibited at the State Fair of Texas or at a special event conducted with written permission of the city;
   3) owned by a governmental entity or participating in a health, research, educational, or similar program conducted by a governmental entity;
   4) owned by a medical, educational, or research institution operating in compliance with all city ordinances and state and federal laws; or
   5) being held for slaughter in a slaughterhouse or meat packing plant operating in compliance with all city ordinances and state and federal laws.
d) A person who owns a live rooster commits an offense if he:
   1) fails to confine the rooster at all times within an enclosure that is of sufficient height and strength to retain the rooster;
   2) confines the rooster in an enclosure that is wholly or partially located less than 20 feet from any adjacent property line;
   3) maintains the enclosure in which the rooster is confined in a manner that creates offensive odors, fly breeding, or any other nuisance or condition that is injurious to the public health, safety, or welfare; or
   4) allows the rooster to violate the noise restrictions of Section 7-7.4 of this chapter.
e) For the purpose of calculating the distance requirement of Subsection (d)(2) of this section, the width of alleys, street rights-of-way, and other public rights-of-way will be used. The distance between a rooster enclosure and an adjacent property line must be measured in a straight line, without regard to intervening structures or objects, from the nearest exterior wall of the enclosure to the nearest property line. (Ord. 26024)
Prohibited Animals Process

- Officer site visit upon receipt of first complaint
- If prohibited animal observed, citation issued and 24 hours given to remove from city
- If prohibited animal is not visible, notice left on owner’s door
- Re-inspect every 24 hours until violation abated
Service Requests and Citations for Roosters

<table>
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<tr>
<th>Year</th>
<th>Rooster Service Request Calls</th>
<th>Owned Rooster Citations Issued</th>
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<tr>
<td>2011-12</td>
<td>555</td>
<td>12</td>
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<tr>
<td>2012-13</td>
<td>463</td>
<td>26</td>
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<tr>
<td>2013-14</td>
<td>420</td>
<td>21</td>
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# Process Comparison to Other Cities

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<thead>
<tr>
<th>City</th>
<th>Initial Response to complaint</th>
<th>Voluntary Compliance</th>
<th>Non-Compliance Actions</th>
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<tr>
<td>City of Dallas Animal Services</td>
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<tr>
<td>Population 1.258M (2013)</td>
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<td>City of Arlington</td>
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<td>Population 380K (2013)</td>
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<td>City of Plano Animal Services</td>
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<td>Population 274K (2013)</td>
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<td>City of Garland Animal Services</td>
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<td>Population 234K (2013)</td>
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<td>City of Grand Prairie Population 183K</td>
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<tr>
<td>(2013)</td>
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<tr>
<td>City of Richardson Animal Shelter</td>
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<td>City of Flower Mound Population 70K</td>
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<td>City of Mansfield Animal Services</td>
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<td>City of Seagoville Animal Services</td>
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<td>Population 15K (2013)</td>
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Opportunities

• Developing process to begin issuing civil citations
  ➢ Enhanced efficiencies
  ➢ Resource allocation improvement

• Enhance utilization of Neighborhood Code Compliance Officers to assist with compliance violations
Questions