

Memorandum



CITY OF DALLAS

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.

A handwritten signature in blue ink that reads "Joey Zapata".

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 Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council



Noise Disturbances by Animals

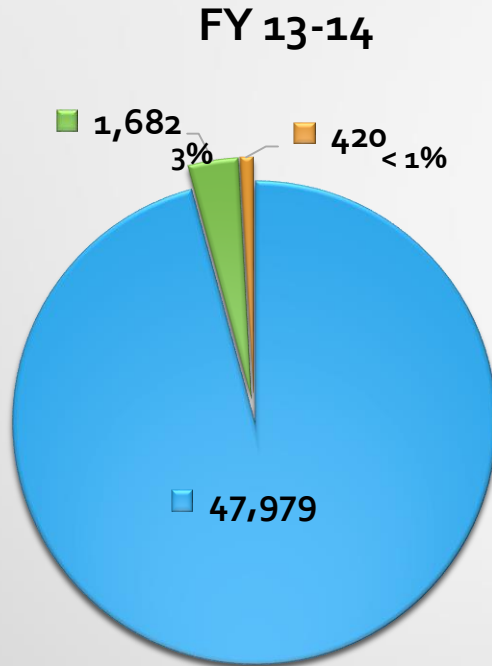
Quality of Life & Environment Council Committee
November 10, 2014



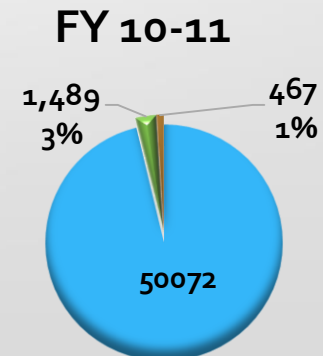
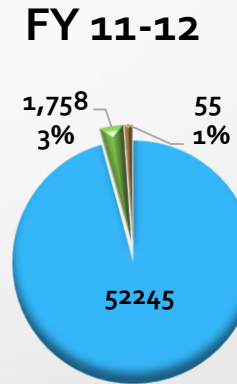
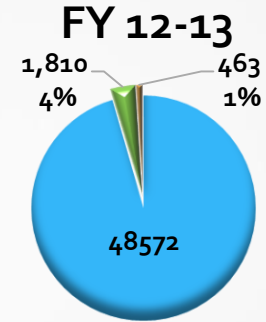
Purpose

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

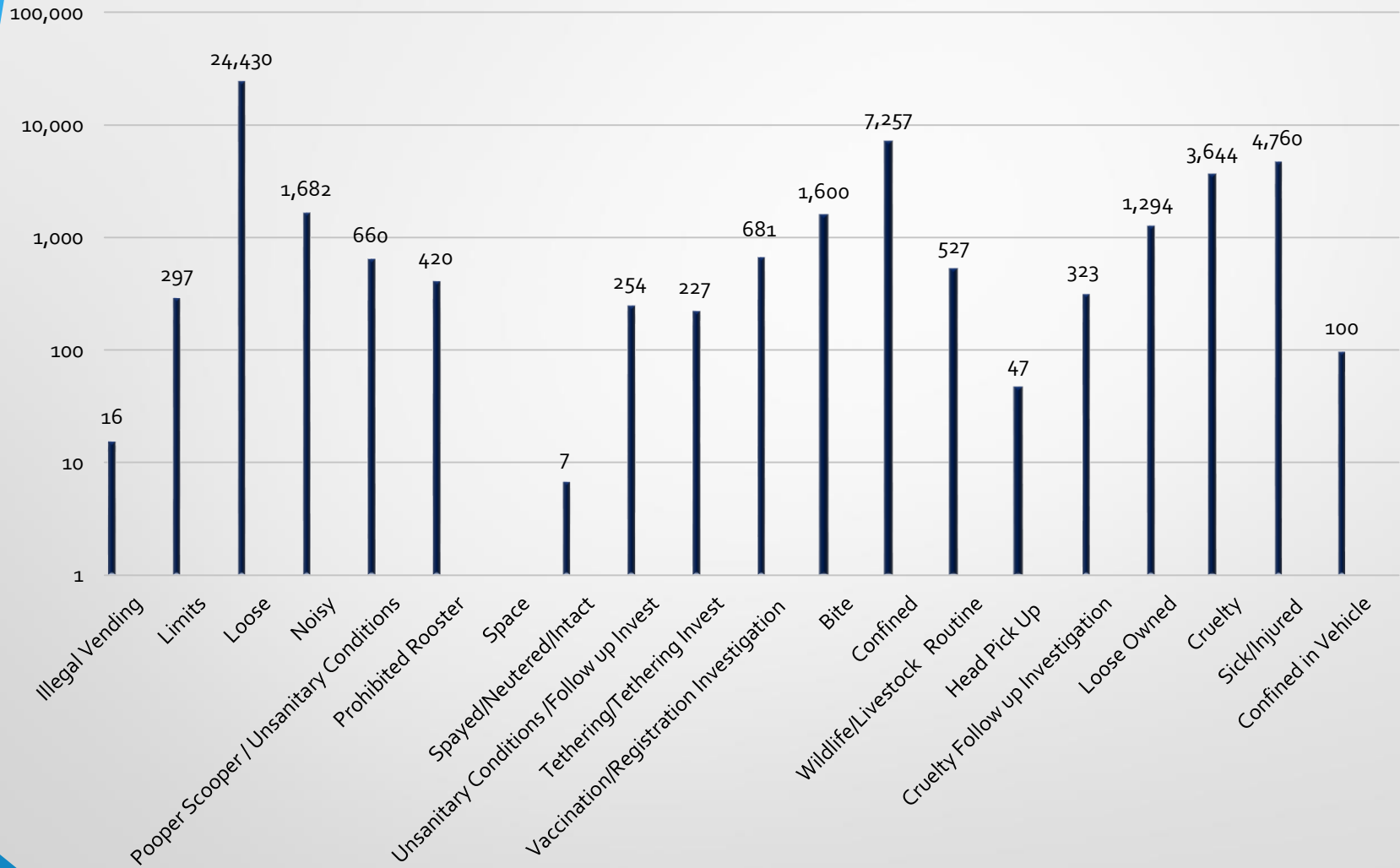
DAS Request for Service Calls



- FY 13-14 DAS SRs
- Noise SRs
- Prohibited Rooster SRs



FY 2013-14 All DAS Request for Service Calls



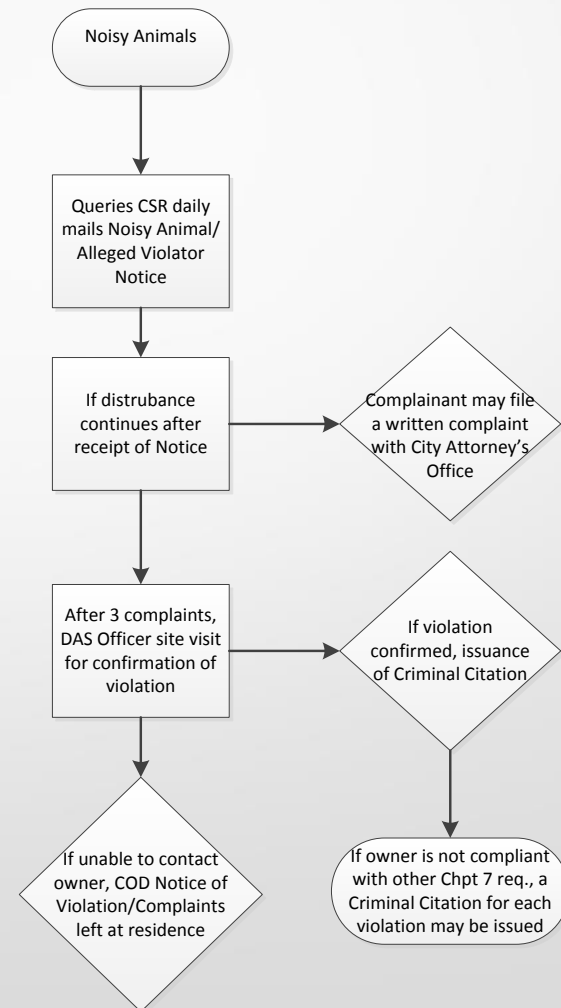
City of Dallas Disturbance By Animals Ordinance

SEC. 7-7.4. DISTURBANCE BY ANIMALS.

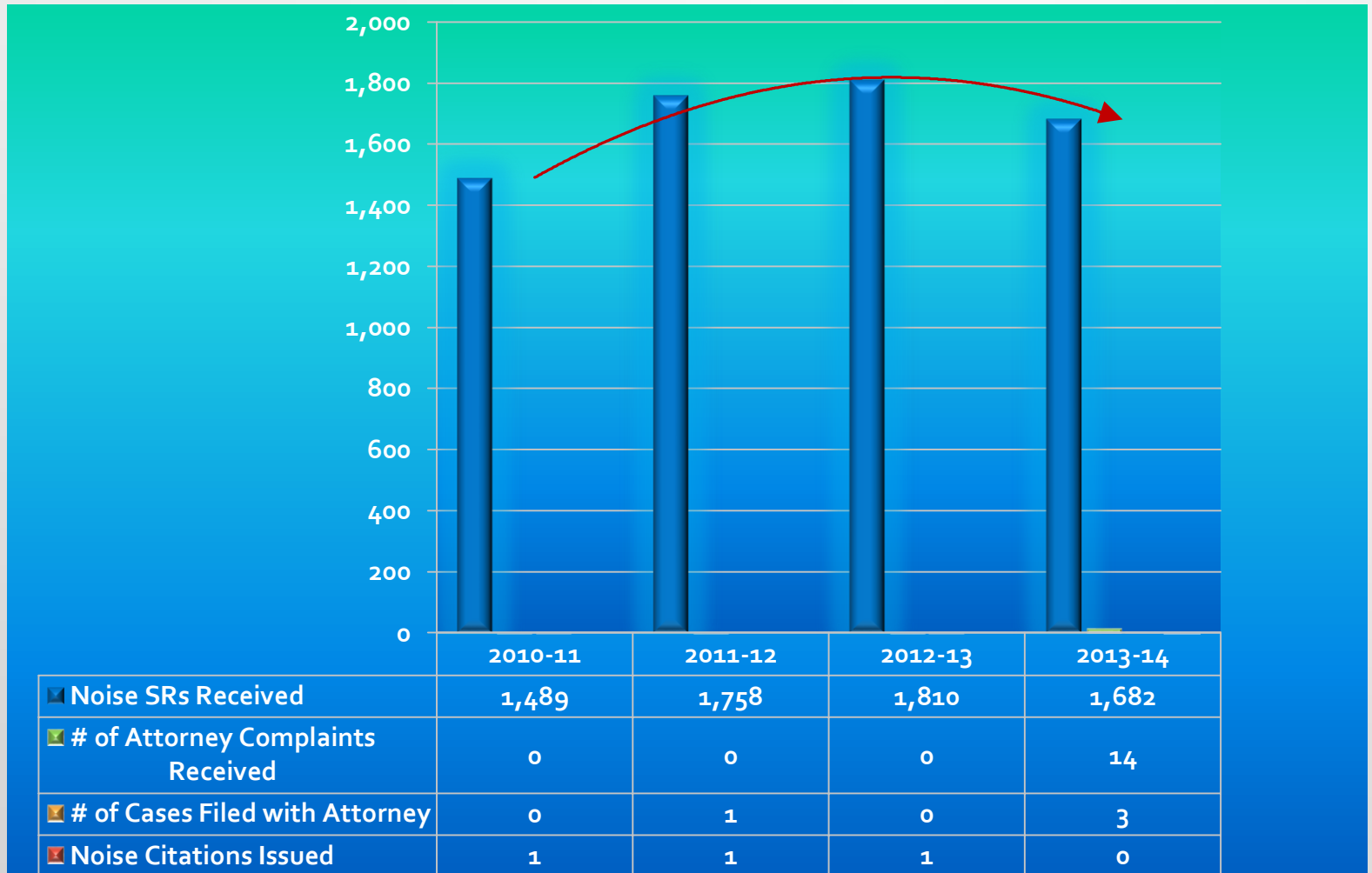
- a) A person commits an offense if he knowingly owns an animal that unreasonably barks, howls, crows, or makes other unreasonable noise near a private residence. Noise made by an animal is unreasonable under this subsection if the noise:
 - 1) continues more than 15 consecutive minutes; or
 - 2) exceeds 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



Noise Service Requests, Outside Complaints, Complaints Filed, and Citations



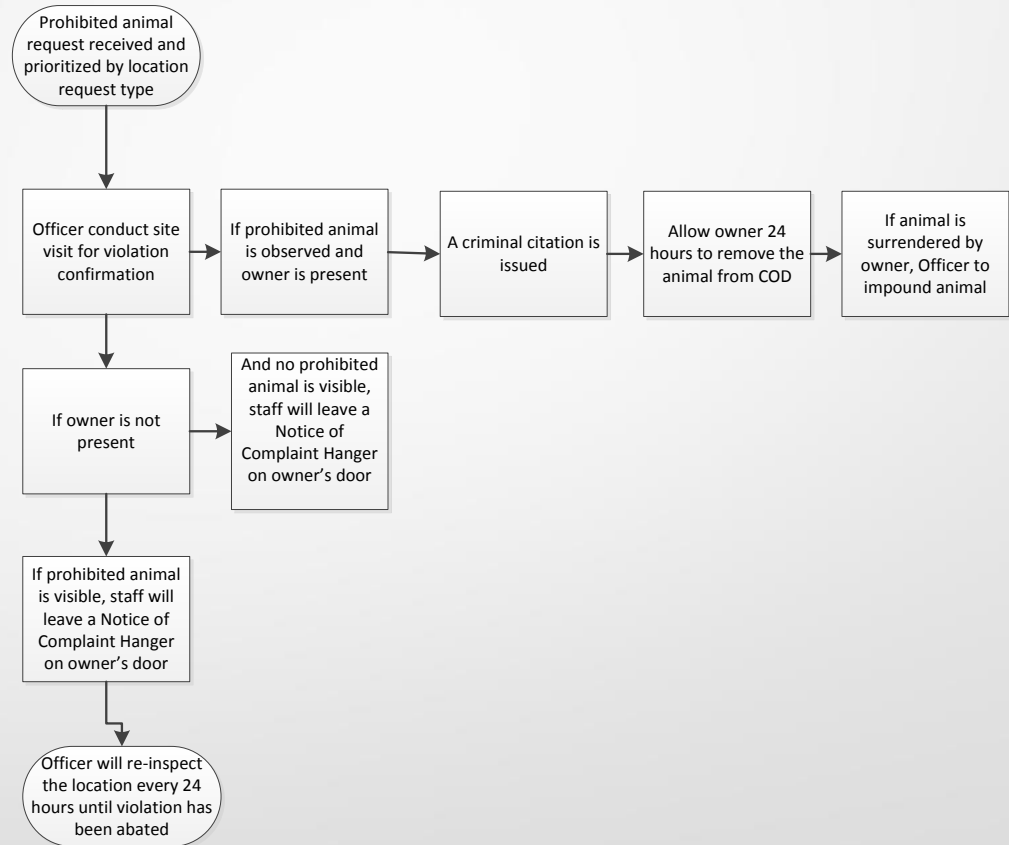
City of Dallas Prohibited Animal Ordinance

SEC. 7-7.3. KEEPING OF ROOSTERS.

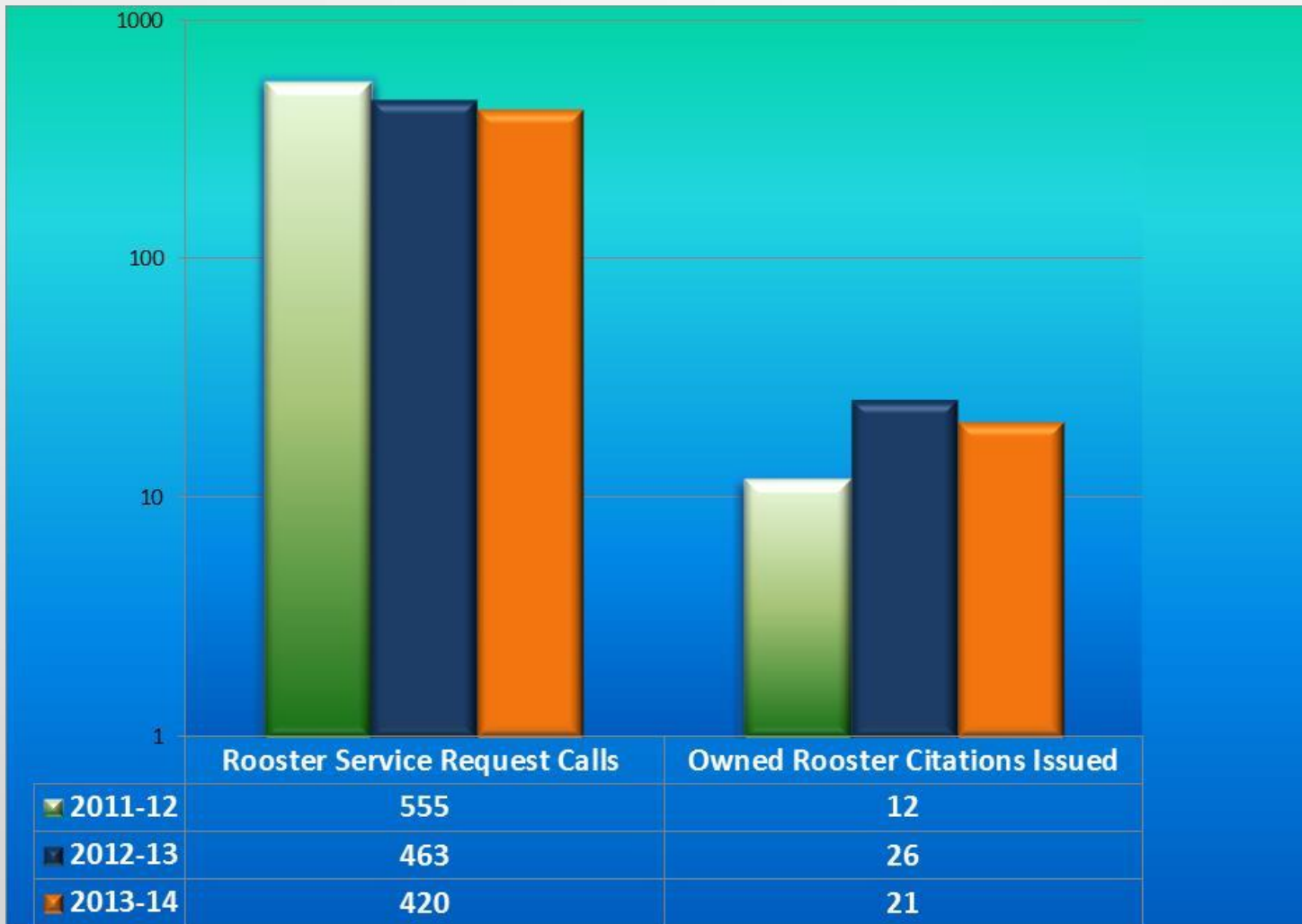
- a) In this section, ROOSTER means the male of the domestic fowl.
- b) A person commits an offense if he owns a live rooster on any premises within the city.
- c) It is a defense to prosecution under Subsection (b) that the rooster is:
 - 1) kept on premises upon which animal production is permitted 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



Process Comparison to Other Cities

City	Initial Response to complaint			Voluntary Compliance			Non-Compliance Actions	
	Mail Notice	Dispatch Officer	Complainant affidavit/ 48 hr Log	3 Complaints result in Site Visit	5 Complaints result in Site Visit	Letter	Complainant affidavit/ Noise Log	Citation Issued
City of Dallas Animal Services Population 1.258M (2013)	✓			✓				
City of Arlington Population 380K (2013)	✓					✓		✓
City of Plano Animal Services Population 274K (2013)	✓							
City of Garland Animal Services Population 234K (2013)		✓		✓				
City of Grand Prairie Population 183K (2013)								✓
City of Richardson Animal Shelter Population 104K (2013)		✓				✓		✓
City of Flower Mound Population 70K		✓			✓			
City of Mansfield Animal Services Population 61K (2013)	✓						✓	✓
City of Seagoville Animal Services Population 15K (2013)			✓					

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