



Birds chirp; frogs croak; bees buzz; and dogs bark. If you have a dog chances are, its going to bark every now and then and may even whine or howl sometimes. Individual dogs may bark for a variety of reasons, some good, some bad. Dogs can bark for attention. They may bark to communicate a need for food, water, or to go out. Dogs may bark when excited, scared, or frustrated. Or, dogs can bark to signal a warning or to act as an alarm.

With all the different types of barking that can go on, its no wonder that barking can sometimes pose a nuisance to neighbors and can be a common problem that both dog owners and their neighbors are forced to contend with. In most jurisdictions, excessive barking is considered a form of nuisance, for which the owner may be fined, or even imprisoned if they fail to take appropriate corrective action and allow the barking to continue unabated. Below, the laws regarding barking in Hawaii are summarized to alert both the dog owner and their neighbors to their rights and expectations under the law, followed by some suggestions to help stop unwanted barking and keep the peace.

In the City and County of Honolulu, barking is regulated under Honolulu Revised Ordinance (H.R.O.), § 7-2.3, which prohibits animal nuisances, as defined in section 7-2.2 of the ordinance. Section 7-2.2, in turn, provides, in relevant part, that the following behavior constitutes an animal nuisance, when done by any animal, farm animal or poultry: makes noise continuously and/or incessantly for a period of ten minutes or intermittently for one-half hour or more to the disturbance of any person at any time of day or night regardless of whether the animal, farm animal or poultry is physically situated in or upon private property;

What to Do if Your Bark is as Bad as (or Worse than) Your Bite

By Emily Gardner, Esq.

Barks, whines, howls, crows or cries or makes any other unreasonable noise as described in section 7-2.4 of this article.

H.R.O. 7-2.4 (c) states that "noise is unreasonable within the meaning of this article if considering the nature and the circumstances, surrounding the animal nuisance, including the nature of the location and the time of day or night, it interferes with reasonable individual or group activities..." Thus, on Oahu, it is considered a nuisance if your dog barks for ten minutes constantly, thirty minutes intermittently, or in such a way that it interferes with reasonable individual or group activities. Significantly, under H.R.O. § 7-2.3, it cannot be considered a nuisance if your dog barks because a person is trespassing or threatening to trespass on your property, or if someone is teasing or provoking the dog.

If your dog is suspected of creating a nuisance, you could be cited for violating the animal nuisance laws. Citations can be issued by either a police officer or a county animal control officer. If cited, the "suspect's" owner is required to appear in court and formally respond to the charges. Penalties under the laws include a \$50 fine for first time violations, with fines of \$100 - \$1,000, and even possible imprisonment of up to 30 days for successive offenses.

The law in Maui County falls under Maui County Code 6.04.040 (c), and is fairly similar to the law on Oahu, although the time a dog must bark intermittently to qualify as a nuisance is only 20 minutes. In Hawaii County, "noisy dogs" are regulated under § 4-24 of the County Code, with noise restrictions similar to Maui, however, under § 4-25 (a) of the County Code, any person who is disturbed by a noisy dog has an affirmative duty to attempt to notify the dog's owner.

As the proceedings and penalties for violating the animal nuisance ordinance can quickly become a nuisance themselves, it is best to try and control your dog's barking if you at all suspect it may be becoming a nuisance to those around you. This requires that the owners take an honest and objective look, or, in this case listen, to what their dogs are doing, and when they are doing it.

In order to best control your dog's barking, it's important to try and determine the cause. Barking is often caused by a dog being lonely, bored, frustrated, or frightened. A well-exercised, well-socialized, happy dog is much

more likely to sleep all day while you are not home than a dog with a lot of pent up energy or anxiety. One of the easiest ways to alleviate unwanted barking is simply by making a point to spend time playing with, training and exercising your dog.

If you feel your dog's barking is due more to frustration from seeing strangers or other dogs walking by your property, try erecting a wall or barrier that blocks your dog's view of the street. If you keep your dog inside, try closing the drapes when you are not home. If you are home and your dog barks upon hearing a stranger approaching, an animal nearby, a car door closing, or the like, your dog may be attempting to warn you of a potential danger. In this case, once you have determined that there is no cause for alarm, try calming the dog and distracting it by offering it treats or engaging the dog in a game of catch or other preferred behavior. If you remain calm, the dog is more likely to become calm and stop barking.

It goes without saying that it is also important to ensure your dog is provided with adequate amounts of all the necessities such as food, water, toys, and shelter that has ample ventilation and a place to avoid the sun and other elements. If your dog barks constantly because it wants to go "out," consider installing a doggie-door, so it can let itself out when it feels the urge, without notifying the entire neighborhood.

If you find you are unable to effectively control your dog's barking by any of the above methods, consider professional training or a mechanical devise such as a bark collar. There are several different types of collars available including those that emit citrus spray (citronella), an ultrasonic sound, a vibration, or a slight electrical shock. Courts often consider actions owners have taken to try and control excessive barking when sentencing repeat offenders.

Lastly, keeping the peace in your neighborhood can mean a lot more than effectively controlling your dog's unwanted barking. Its just as important to be a good neighbor who is considerate of the needs of those who live nearby and receptive to solving a potential problem before it rises to the nuisance level.

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