REQUEST FOR COUNCIL ACTION

CITY OF TEMPE
Council Meeting Date: 06/27/2019
Agenda Item: 6B3

ACTION: Introduce and hold the first public hearing to approve an ordinance to amend Chapter 21, Section 3b(19) of the Tempe City Code relating to Enumerated Violations, decreasing the required number of witnesses for a barking dog complaint from THREE (3) to TWO (2). The second and final hearing is scheduled for July 31, 2019. (Ordinance No. O2019.25)

FISCAL IMPACT: No fiscal impact identified.


BACKGROUND INFORMATION: The current process for residents filing complaints about excessive dog barking is outlined below:

- Resident files complaint online or through Tempe 311 system.
- Code Enforcement sends a letter to the dog owner alerting them to the complaint and offering suggestions for training and other methods for resolving the issue.
- If a second complaint is received, complainant is directed to the online petition and advised to gather signatures from three separate residents in different households all attesting to the nuisance barking.
- If and when petition is filed with Code Enforcement, a notice of violation is generated for the dog owner.
- Code Enforcement contacts complainants after two weeks to determine whether the problem has been resolved. If there is no improvement, a citation is issued. Code Enforcement also has the discretion to delay the citation if all parties agree that the situation is improving and wish to allow for continued training or other improvements.
- If a citation is issued, the fine for a first offense is $200. The fine for a second offense is $300 and $400 for a third offense. If the dog owner chooses to dispute the citation, all parties may go to court to have the case heard. Currently, all three original complainants are expected to appear in court and are instructed to keep logs with dates and times of barking incidents.

On June 20, 2019 the Council agreed by consensus to move forward an amendment to city code decreasing the required number of petition signatures to TWO (2), and further agreed that only one resident be required to appear in court for the case to move forward, and to suggest the logs as a recommendation, but not a requirement.

ATTACHMENTS:
Code Text Amendment
Updated Resident Petition Form
Tempe Forum Feedback

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