

In summary, the law provides that barking, whining, howling, baying, or crying of any dog continuously for a period of time in excess of five (5) minutes or intermittently for a period of time in excess of one (1) hour which is plainly audible from a distance of twenty-five (25) feet from the property line of the property where the dog is kept, constitutes a nuisance. In addition, the law may not apply if the dog is being taunted or teased, if the dog is injured, or if the dog is barking because someone is committing a crime upon the premises where the dog is kept.

One of the requirements of the ordinance is the barking must disturb the peace and comfort of a neighborhood, or interfere with a person in the reasonable and comfortable enjoyment of life or property. As a result, Pueblo Animal Services and the Pueblo Police Department cannot charge someone with a violation of the ordinance unless a formal complaint is made by someone who is present in the neighborhood who has had their peace and comfort disturbed or has had their reasonable and comfortable enjoyment of life or property interfered with.

Nuisance violations are criminal charges. When someone is charged with a crime, they are presumed innocent and they have the right to plead not guilty and to have a trial. At a trial, the City has the burden of proving to the satisfaction of a Judge or Jury (whichever is applicable) beyond a reasonable doubt that the person charged is guilty of the charge.

If someone is found guilty of a nuisance violation they can be receive a fine of up to \$1,000.

## **WILLIAM A. MARTINEZ**

Municipal Judge  
(719) 562-3810

## **LISA COUGHLIN**

Court Administrator  
(719) 562-3850

## **DISCLAIMER**

This non-comprehensive general information pamphlet regarding the City of Pueblo Municipal Court is not intended to provide legal advice of any kind.

While the majority of individuals charged with municipal ordinance violations represent themselves in Court, if you are charged with violating a municipal ordinance, you are encouraged to seek the legal advice of an attorney.



**Municipal Court**  
200 South Main Street  
Pueblo, CO 81003  
Phone: (719) 562-3810  
Fax: (719) 562-3811



# **Barking Dogs**



# **Municipal Court**

**Making  
Customer Service  
Our #1 Priority**

<http://www.pueblo.us/court>

Citizens of the City of Pueblo have the right to be free from dogs that bark excessively and barking that disturbs the peace and comfort of their neighborhood or interferes with their reasonable and comfortable enjoyment of life or property.

Pueblo Municipal Code, Section 11-4-31 entitled Keeping of Animals and Fowl Which Disturb Comfort, Peace, Etc., of Neighborhood provides the following:

(a) It is hereby declared to be a nuisance, and it shall be unlawful and a municipal offense for any person to keep or permit upon any parcel of land within the City any animal or fowl which by any sound, cry or offensive odor shall disturb the peace and comfort of any neighborhood, or interfere with any person in the reasonable and comfortable enjoyment of life or property, or in any other manner present an unreasonable hazard to the public health, safety or welfare.

(b) For the purpose of this Section, it shall be presumed that the barking, whining, howling, baying or crying of any dog continuously for a period of time in excess of five (5) minutes or intermittently for a period of time in excess of one (1) hour, which is plainly audible from a distance of twenty-five (25) feet from the property line of the premises where the dog is kept, constitutes a nuisance. The presumption may be rebutted by evidence that such barking, whining, howling, baying or crying was caused, at that relevant time, by either taunting of the dog by a person or persons other than the owner or person in control of the dog, injury to the dog which is not the result of neglect or abuse by the owner or person in control of the dog, or trespass upon the premises where the dog is kept. (1957 Code, §5-2.4; Ord. No. 6600, 10-10-00)

In most cases, if a formal complaint is made and Animal Services or the Police Department witness the barking complained about, the evidence is sufficient to support a conviction. In some cases, if a formal complaint is made and Animal Services or the Police Department don't witness the barking complained about, the evidence may be insufficient to support a conviction unless you can provide Animal Services or the Police Department with additional evidence such as witnesses or videotape/audiotape of the barking complained about.

#### **YOU HAVE SEVERAL OPTIONS:**

**One option** is for Animal Services to send a letter from Animal Services to the owner of the barking dog informing them that a complaint has been made. To begin that process, you must provide a date and time of the most recent barking dog incident, a description of the barking dog, and the address of the owner of the barking dog. You can remain anonymous in this process. You may have to wait a week or so for the barking dog's owner to receive the letter and take action to stop the dog from barking.

**Another option** is for Animal Services to send an Officer to speak with the owner of the barking dog, informing them that a complaint has been made and to give them a formal warning. To begin that process, you must provide a date and time of the most recent barking dog incident, a description of the barking dog, and the address of the owner of the barking dog. You can remain anonymous in this process also. You may have to wait a week or so for the barking dog's owner to take action to stop the dog from barking.

**The final option** is for Animal Services to send out an Officer to the owner of the barking dog and formally charge the owner with a nuisance violation. You cannot remain anonymous in this process. To begin that process, you must:

- Provide a date and time of the most recent barking dog incident
- Provide a description of the barking dog
- Provide an address of the owner of the barking dog
- Be willing to identify yourself as the complaining party
- Be willing to sign a formal complaint
- Be prepared to be subpoenaed to appear and testify in Court

#### **TO REPORT A BARKING DOG, CONTACT:**

Pueblo Animal Services  
4600 Eagleridge Place  
Pueblo, CO 81008  
(719) 544-3005

Mon. – Fri. from 9:00 a.m. to 6:00 p.m.  
Sat. – Sun. from 9:00 a.m. to 5:00 p.m.

**After normal business hours** referenced above, Pueblo Animal Services Officers only respond to emergency calls and are dispatched through the Pueblo Police Department.

Pueblo Police Department  
200 S. Main Street  
Pueblo, CO 81003  
(719) 553-2502