

**MARIN COUNTY SHERIFF'S OFFICE
PATROL DIVISION POLICY AND PROCEDURE MANUAL**

**CHAPTER - Patrol Division
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**DATE
November 30, 1999**

ANIMAL NOISE POLICY

POLICY

It shall be the policy of this Department to have comprehensive procedures in dealing with animal noise.

PROCEDURE

Sheriff's Office personnel shall adhere to Marin County Code Section #8.04.179; pertaining to animal noise.

- VIOLATION(S)
- Any person who shall keep or permit to remain on any premises, an animal that disturbs the peace of any person in the manner set forth in subsection (a) shall be guilty of an infraction for a first offense and for a subsequent second offense as provided in Section 8.04.260(b), of the Marin County Code.
- Any person found in violation of this subsection for a third or additional offense shall be guilty of a misdemeanor.
- An animal kennel regulated by a use permit under the provisions of the Marin County Code shall not be subject to the provisions of this section.
- This section shall not apply to customary animal noises of livestock, horses or other animals kept or owned for agricultural activities in areas including but not limited to farms, ranches and stables which are zoned or legally permitted for such purposes.

Action by Deputy

- Sheriff's Office Deputies, upon receipt of a documented complaint affirming that a violation as declared in this section exists, may notify the owner or keeper of the offending animal and direct that such violation be abated.
- If the department receives a second complaint from any person within thirty days of the notice of complaint of an additional violation by the animal, then the Deputy may issue a complaint, which shall include the identification of the complainant and information setting forth the basis for the complaint.
- This department may immediately take an animal into protective custody by the Marin Humane Society and/or issue a citation with a documented complaint if it is determined by the Deputy, after investigation of the complaint and interview of the complainant and the owner or keeper if he or she can be located, that the noise created by the animal cannot be abated or quieted so that it continues to disturb the peace of the complaining person(s).
- The animal may then be taken into protective custody if the Deputy determines it can be accomplished

without unreasonable risk, injury or damage to the involved parties, the animal or private property.

- If an animal is taken into protective custody, the Deputy shall immediately provide written notice conspicuously posted on the property from which the animal was taken, or by personal service to the owner or keeper.
- This notice shall include the conditions under which the animal was taken, how the animal can be redeemed and the provisions for a hearing with a hearing officer at County Mediation Services. The notice shall be posted within 24 hours of the animal being impounded. When the owner is not present, notice of the hearing shall be given by posting the same in the office of the Sheriff, and by publication in a newspaper of general circulation.

RELATED STANDARDS

P.C.

H&S

County Code

AFFECTED DIVISIONS

Patrol

Communication Division

DATE OF REVISIONS

By Order of

TOM MCMAINS, CAPTAIN
BUREAU OF FIELD SERVICES

Annex A

8.04.179: Prohibition of habitual animal noise which unreasonably disturbs the peace. Subject to the provisions of subsections (b), (c) and (d), it shall be unlawful for any person to suffer or permit any dog, cat, fowl or any animal to habitually bark, yelp, howl or create noise in such a manner which reasonably disturbs the peace of any person(s).