



1 Detjen Drive
Crestwood, MO 63126
(314) 729-4720

DEPARTMENT OF PUBLIC SERVICES

Dear City of Crestwood Resident:

Enclosed in this Excessive Animal Noise Complaint packet is information that will advise you on how to address a habitually excessive noisy animal that is causing a nuisance in your neighborhood. The Crestwood Police Department and the Crestwood Code Enforcement Officer are frequently unable to resolve excessive animal noise complaints due to more immediate issues that require their attention and lack of effective on site resolution tools. However, Crestwood does have a Public Nuisance procedure that allows residents to address excessive noise animal issues. The Public Nuisances designation may result in citations for the responsible person and ultimately an order to remove the animal from the City for multiple convictions for failure to comply with requirements.

Please review the packet carefully as all requirements must be met for the City to declare an animal to be a public nuisance. Completed packets may be mailed, e-mailed, or submitted in person to the Crestwood Public Works department at the Government Center, 1 Detjen Drive, Crestwood, Missouri, 63126, Monday through Friday, 8:00 a.m. to 4:30 p.m. Packets will then be reviewed; any packet that is not complete or unsigned will be returned to the resident with an explanation of requirements that were not met. The Code Enforcement Officer will proceed with a Public Nuisance designation, if warranted, and follow-up with the responsible person of the animal in question.

Should you have any questions, please contact the code enforcement officer at CodeEnforcement@cityofcrestwood.org.

It is our sincere hope that by working together, we can make every neighborhood in the City of Crestwood more enjoyable for all residents.

Sincerely,

Jason Hagan
Code Enforcement Officer
CodeEnforcement@cityofcrestwood.org



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Excessive Animal Noise Complaint Packet

Resolution Procedure

The City of Crestwood Code Enforcement division of the Public Services Department has established a program to assist Crestwood residents in obtaining relief from habitually excessively noisy animals causing a nuisance in their neighborhood.

- Excessively noisy animals are a serious nuisance. Because of limited code enforcement and Police staff, however, the departments are no longer able to assist the community by responding to complaints of excessively noisy animals in a timely manner. In fact, in most circumstances, by the time an officer arrives at the scene, the animal is no longer making any noise and an officer is unable to address the issue.

This program has been established to assist Crestwood residents with their efforts towards resolving the problems associated with excessively noisy animals. The enclosed material provides the required information necessary for the Code Enforcement division to designate an animal as a public nuisance.

Crestwood Code of Ordinances

Noise violations by animals are defined in Chapter 6, Section 3:

EXCESSIVE ANIMAL NOISE

Any animal noise causing a disturbance by barking, howling, meowing or other noisemaking.

Chapter 6, Section 19 Public nuisances; abatement; violation.

- (a) Every person responsible for a dog, cat, puppy, kitten or other animal shall keep it from creating a nuisance.
- (b) A dog, cat, puppy, or kitten or any other animal creates a nuisance if it:
 - (4) Causes excessive animal noise.
 - (6) Molests, attacks, bites, or interferes with persons or other animals on public property or property not belonging to a person responsible for the animal.
- (c) For purposes of enforcement of subsection (b)(4) of this Section, a resident disturbed by excessive animal noise may obtain an Excessive Animal Noise Complaint packet from the Code Enforcement Officer to keep a log of Disturbances. The Code Enforcement Officer will review the disturbance log and abate the public nuisance in the following circumstances:
 - (1) Three Disturbances within a thirty-day period (the "Initial Period") results in a courtesy notice to the Responsible Person for such animal;
 - (2) Upon three additional Disturbances within any thirty-day period after a courtesy notice has been issued to the Responsible Person



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- under subdivision (1), a notice of violation shall be issued to the Responsible Person for such animal; and
- (3) Upon three additional Disturbances within any thirty-day period after a notice of violation has been issued to the Responsible Person under subdivision (2), the matter shall be referred to the Crestwood Municipal Court for the Responsible Person for such animal.
 - (4) Notwithstanding any provision of subdivisions (1) – (3) of subsection (c) of this Section to the contrary, if a calendar year elapses after a courtesy notice, or notice of violation has been issued, or after a matter has been referred to municipal court, and no Disturbances have been recorded in such calendar year for an animal within the City, the first Disturbance thereafter observed shall be treated as the first Disturbance, and a third Disturbance within a thirty-day period shall result in a courtesy notice to the Responsible Person for such animal.
- (d) For purposes of enforcement of this chapter, the owner of or responsible person for a dog, cat, or other animal who creates a public nuisance as defined above, shall abate such public nuisance in accordance with the order of the Code Enforcement Officer or his/her designee. The failure to abate the public nuisance shall be deemed to be in violation of the provisions of this chapter. The Code Enforcement Officer or his/her designee shall inform the Health Director of any citations issued under subsection (b)(5) — (7).
 - (e) Nothing herein shall be interpreted or construed to prevent the Health Director from classifying as dangerous animals those animals who cause certain nuisances within a timeframe and from impounding those animals in accordance with the St. Louis Animal Control Code.
 - (f) Notwithstanding any other provision of law to the contrary, a Code Enforcement Officer, or a law enforcement officer of the City who observes a Disturbance, as defined in Section 6-3 of this Code, or who has probable cause to believe a Disturbance has occurred, may issue a notice of violation to the Responsible Person for the animal causing such Disturbance, and may refer such notice of violation to the municipal prosecuting attorney for consideration of charges. A complaint signed by the person who reported a Disturbance may form the basis of probable cause that a Disturbance has been caused by an animal.

This noise is considered a violation that may result in a notice of violation if witnessed by the code enforcement officer or a citation if witnessed by a Police officer.

Excessive noise by an animal may also rise to the level of a public nuisance if the violations are frequent and continued. A Public Nuisance declaration will result in the responsible person being required to take steps to abate the nuisance within thirty (30)



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days, or more serious misdemeanor citations may be issued that can result in fines and the offending animal being ordered from the Crestwood jurisdiction.

Code Enforcement and Police consider excessive noise to be a violation when it has occurred for more than ten (10) consecutive minutes per incident between 8:00 a.m. and 10:00 p.m. or for more than five (5) consecutive minutes per incident between 10:00 p.m. and 8:00 a.m. and a nuisance if there are incidents on three (3) or more separate days in a thirty (30) day period.

In order to prove a charge of nuisance excessive noise, specific factual information is required and strong evidence is necessary. A Public Nuisance designation requires complaining neighbors to maintain a log of the dates and times in which an identified animal, at a specific location, is disturbing the peace of the neighborhood. Additional supporting evidence may include a date-stamped audio/video recording of the offending animal from the location of the complainant's property as it is habitually barking.

Nuisance complaints may be subjective, and a complaint of habitually excessive noise is stronger if it is supported by more than one neighbor. Therefore, Code Enforcement has determined that at least one other neighbor must verify that the animal's noise was habitual and caused a nuisance on at least one of the three incidents. Witness verification must be provided on the Witness Statement form in the Excessive Animal Noise Complaint packet, signed under penalty of perjury by each witness specifically stating the dates and times of each incident of habitual excessive noise. An incident log and witness verification are included in this informational packet.

When preparing a Complaint of nuisance noise, please be sure to note on the Excessive Animal Noise Incident Log:

1. The date and time the noise started and when the noise stopped.
2. The specific address of the animal and your address. Please remember that the barking must be audible for at least ten continuous minutes during daytime hours (8:00 a.m. to 10:00 p.m.) or five minutes during nighttime hours (10:00 p.m. to 8:00 a.m.).
3. Evidence, if available, based on personal observation, that the animal was not provoked into barking.
4. The three (3) incidents of excessive barking must take place on different days within a thirty (30) day period of time.

You must comply with the requirement that:

1. Use the Excessive Animal Noise Incident log in this packet to document three (3) or more separate days of habitual barking within thirty (30) days. Include the witness statement if applicable. This will allow code enforcement to send a "Courtesy Notice" to the offending address.



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2. If the excessive noise nuisance continues after the mailing of the “Courtesy Notice”, use the Excessive Animal Noise Incident log in this packet to document three (3) more separate days of habitual excessive noise. Include the witness statement for at least one of the three days. The witness can be a different person each time. This will allow the code enforcement officer to send a “Notice of Violation” advising the responsible person of the animal that the problem has resulted in a nuisance declaration and that unless the problem is remedied within thirty (30) calendar days, further action will be taken.
3. If the excessive noise nuisance continues after the mailing of the “Notice of Violation” (NOV), use the Excessive Animal Noise Incident log in this packet to document three (3) more separate days of habitual excessive noise. Include the witness statement for at least one of the three days. The witness can be a different person each time. This will allow the code enforcement officer to send a notice of violation advising the responsible person that the problem has resulted in a nuisance declaration and that the case will be forwarded to Crestwood Municipal Court for further action.
4. If there is a gap of one year or more since the last notice was issued, the process will re-start at step one.
5. Should the case be referred to the Crestwood Municipal Court, the officer, person signing the complaint, or the declarant would be required to attend court.

Complainants may submit or mail completed original packets to;

Code Enforcement
1 Detjen Drive
Crestwood, MO 63126
8:00 a.m. to 4:30 p.m.

- e-mailed copies will be accepted at CodeEnforcement@cityofcrestwood.org
- Complainants should make copies of the submitted information prior to delivering the packets to code enforcement.

Please remember:

Enforcement of the laws against excessively noisy animals is possible only with the cooperation and assistance of the residents of Crestwood themselves. Code enforcement and the Crestwood Police department cannot solve noisy animal problems without your participation. Please take the time to fully document each offense and obtain proper evidence.

Thank you!



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Courtesy Notice

Name
Address
Crestwood, MO

Dear Name:

This is to advise you that your animal has frequently been making excessive noise for ten minutes or more between the hours of 8:00 a.m. and 10:00 p.m. or for five minutes or more between the hours of 10:00 p.m. and 8:00 a.m. in a manner that is disturbing your neighbors.

Animals may make noise for a good reason. Sometimes they get a response of some kind and continue the behavior. However, animals that frequently make excessive noise are a problem and often the responsible person does not realize that their animal may be causing a disturbance to their neighbors.

These incidents are being documented, and it is hoped that this will not continue as the City of Crestwood does consider frequent or long and continued noise making to be a nuisance.

On the following three dates and times, your animal has caused a disturbance:

1. Date: _____ Time: _____ to _____
2. Date: _____ Time: _____ to _____
3. Date: _____ Time: _____ to _____

It is understood that you may not be aware of his issue, but the good news is that animals and neighbors can live in harmony. The responsible person of the animal can get information from the Humane Society, the American Kennel Club and other organizations about why animals make noise. They also offer advice on how to correct excessive noise making. The Humane Society website is: http://www.humanesociety.org/animals/dogs/tips/how_to_stop_barking.html
The AKC is: <http://www.akc.org/content/dog-training/articles/how-to-stop-a-dog-from-barking/>

Thank you for respecting your neighbors and the neighborhood.

Respectfully,

Jason Hagan
Code Enforcement Officer