



OFFICE OF THE SHERIFF BUNCOMBE COUNTY, NC

60 Court Plaza, 4th Fl
Asheville, NC 28801

Quentin Miller, Sheriff

Dear Citizen,

You are receiving this Barking Dog Packet because you recently contacted our agency seeking relief from barking dogs in your neighborhood.

Anyone that has suffered through the incessant barking of a dog understands how difficult and stressful these situations can be. In many cases these conflicts can and should be resolved through the direct negotiations between neighbors. Doing so can help reduce stress and anger, and preserve amicable relationships. Some pet owners, however, will refuse to acknowledge the problem at all, and a legal action may become necessary.

When prosecuting a barking violation, it is crucial to demonstrate to the court the impact that the violation has upon the aggrieved parties, which is why your participation in this process is so important. Unfortunately, the likelihood of having to attend court several times over a period of months can also impose further hardships and a lengthy delay in relief. In the interests of preserving long-term relationships between neighbors and resolving barking issues in a lasting, efficient manner, relevant local agencies have implemented a process to assist you in resolving this problem while helping develop a sound case for prosecution if legal action becomes necessary. Following the procedures and recommendations enclosed substantially increases the likelihood of resolving the problem without having to attend court, increases the likelihood of successful prosecution of the violation if necessary, and will reduce the likelihood of having to make multiple court appearances.

Please take time to read the following information carefully and contact us if you have any questions or concerns.

Sincerely,

Robert J. Robinson

Robert J. Robinson, Sergeant
Animal Services Division
828-250-6670



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Barking Dog Resolution Process

- Complainant makes the initial call for service to the Buncombe County Sheriff's Office and a responding Deputy Sheriff evaluates the situation and contacts the dog owner. If an officer finds that there is a barking violation when he/she responds, he/she may issue a warning or civil citation to the dog owner.
- If there is no immediate resolution, the complainant may request a Barking Dog Information Packet from The Sheriff's Office.
- Complainant completes the Barking Dog log portion of the packet, documenting the ongoing barking problems encountered using the log. It is recommended that complainants make audio/video recordings of the barking FROM THEIR OWN PROPERTY to support their written documentation. (The complainant may begin the next step at the same time)
- The complainant contacts The Mediation Center directly at 828.251.6089 Ext 214 to coordinate a mediation session between themselves and the dog owner.
- If the mediation is unsuccessful or the owner refuses to participate, the complainant may then submit the completed log and a written request for additional follow up along with documentation from the mediation center of the failed attempt to mediate. The request should be mailed to the Animal Services Division at 60 Court Plaza, 4th floor, Asheville, NC 28801. The request and log may also be emailed to the Sergeant of Animal Services (robert.robinson@buncombecounty.org).
- Animal Services issues a written recommendation for issuance of a criminal charge for a barking violation to the complainant.
- Complainant takes the letter of recommendation to the Magistrate's Office and appears before a Magistrate to request the issuance of the charge.
- Upon the issuance and service of the charge, the case will be placed on the court docket. The dog owner will be scheduled for a first appearance and then both parties will be scheduled for a trial date. The complainant is represented by the district attorney's office, and will need to be prepared to present their documentation, any recordings they may have, and testimony at that time.



Community Mediation Information

Mediation is a voluntary process of resolving disputes through discussion in an attempt to reach resolution that all parties feel is fair and workable.

During Mediation:

- o You will meet in an informal, confidential setting together with two mediators and the person with whom you have a dispute.
- o The mediators are individuals from the community, either volunteers or staff, who are trained in mediation.
- o The mediators help you decide for yourself how to resolve your problem.
- o Generally, witnesses do not participate in mediation sessions. If you have questions about this, please talk to the coordinator or your mediator.

As a Result of Mediation:

- o If a court case is pending and you resolve the dispute, your case won't be tried in court.
- o If you want to make an agreement legally binding, you should talk with an attorney.
- o If you do not resolve the dispute and a court case is pending, you will need to return to court.
- o You are free to pursue court options if a court action is not already pending.
- o Subsequent mediation sessions can be scheduled at the request of all parties.

What You Can Do Before Coming to Mediation:

- o Think about what you want to discuss during mediation.
- o Think about what you would consider a fair solution to the situation.
- o Think about what you might offer and what you might want out of mediation.



mediatebuncombe.org ~ Asheville, NC ~ (828) 251-6089

