*"A Historic Past"*

*"A Bright Future"*

CITY OF DELAWARE CITY
407 Clinton Street - P.O. Box 4159
Delaware City, Delaware 19706
302-834-4573

**ORDINANCE NO. 15-0921-01**

**ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE TO ELIMINATE PROVISIONS RELATING TO THE LICENSING OF DOGS WITHIN THE CITY OF DELAWARE CITY AND PROVISIONS ATTENDENT THERETO**

**WHEREAS**, pursuant to Article V, Section 5-02(A) of The City of Delaware City Charter ("Charter"), and pursuant to the "Powers of the City," outlined in Article II, § 2-1 of the Charter, the Mayor and the Council of The City of Delaware City ("City Council") possess the authority to adopt, amend, modify, or repeal The City of Delaware City Code ("Code");

**WHEREAS**, The Mayor and City Council of Delaware City desire to eliminate provisions from Chapter 24 of the City Code requiring the licensing of dogs by the City of Delaware City and provisions attendant thereto including, but not limited to those, relating to impoundment and the imposition of fees.

**WHEREAS**, The Mayor and City Council of Delaware City believe that the licensing provisions contained in the Code are redundant of already existing state and county laws pertaining to the licensing and impoundment of animals as well as the fees associated therewith and that residents and visitors to the City will remain adequately protected by otherwise applicable State law.

**NOW THEREFORE, IT IS HEREBY ORDAINED**, by the City of Delaware City that the following Code changes and revisions are adopted:

**Section 1.** Amend Chapter 24, Section 24-1 by deleting the language identified in strike-through below and modifying the existing language as indicated in bold:

The title of this Chapter shall be "Animal Regulation." The purpose of this Chapter is to provide protection to the health and safety of the citizens of Delaware City, Delaware, by ~~the proper identification and inoculation against rabies of dogs within the community;~~ ~~to~~ provid**ing**

for the proper control of dogs and other animals with the community; ~~to~~ provid**ing** protection of the citizenry of Delaware City against attacks by dogs or other animals; and ~~to~~ provid**ing** that both the citizens of Delaware City and the animals of the citizens can live in harmony and tranquility.

**Section 2.** Amend Chapter 24, Section 24-2 by modifying the definition contained in Section 24-2(b), (c) and (j) by the deletion of language identified in strike-through and the addition of language identified in bold below as follows:

a.) Animal Control Officer: The person or persons employed by the Delaware Society for the Prevention of Cruelty to Animals **or other applicable state or local agency** as its enforcement officers, or such other persons as designated by Resolution of the Mayor and Council of the City of Delaware City.

b.) Animal Shelter: Any facility operated by a humane society, or municipal **or state** agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this Chapter or State law.

j.) Licensed: a dog license issued ~~by the~~ **in accordance with the laws of the** State of Delaware ~~and such City dog license as may be required by Mayor and Council~~.

**Section 3.** Amending Chapter 24, Section 24-6 by deleting the existing section in its entirety and replacing it with the phrase "Intentionally Deleted."

**Section 4.** Amending Chapter 24, Section 24-7 by deleting the existing section in its entirety and replacing it with the phrase "Intentionally Deleted."

**Section 5.** Amending Chapter 24, Section 24-8 by deleting the existing section in its entirety and replacing it with the phrase "Intentionally Deleted."

**Section 5.** **Severability**. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void one; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the City Council's intent.

**Section 6.** **Effective Date**. This Ordinance shall become effective immediately upon its adoption by City Council.

**(Signature Page Follows)**

**ADOPTED BY THE MAYOR AND COUNCIL, this _____ day of _____, 2015.**

**ATTEST:**

_____
**City Secretary**

_____
**Mayor**

**APPROVED AS TO FORM:**

_____
**Council Member**

_____
**City Solicitor**

_____
**Council Member**

_____
**Council Member**

_____
**Council Member**

_____
**Council Member**

First Reading on _____,

Second Reading, Public Hearing, and Final Passage on _____.