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History: Unless otherwise stated, this Chapter is from Ordinance 9500¹, titled “Animal Regulation Code” (adopted August 11, 1975). Article IV and some amendments were Ordinance 9515² (adopted February 10, 1992).

¹ As amended by Ordinance 95-00-A (adopted August 13, 1990).

² As amended by Ordinance 9515A (adopted August 20, 2001).

Article I In General

Section 24-1 Title and Purpose

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 providing for the proper control of dogs and other animals with the community; providing protection of the citizenry of Delaware City against attacks by dogs or other animals; and providing that both the citizens of Delaware City and the animals of the citizens can live in harmony and tranquility.³

Section 24-2 Definitions

For the purpose of this Chapter, the following words and phrases shall have the meaning respectively ascribed to them by this Section:

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 operate 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.

c.) At Heel: A dog shall be deemed to be at heel when he is directly behind or next to a competent person and obedient to that person’s command.

d.) At Large: Any dog shall be deemed to be at large when he is off the property of his owner and not under restraint.

e.) Community Cat: A cat that is abandoned, stray, lost, or feral. A community cat is not to be classified as a Public Nuisance Animal under subsection (1) below merely for being repeatedly found at large.

f.) Community Cat Caregiver: A person who, in accordance with Trap-Neuter-Return, provides care, including, food, shelter or medical care to a Community Cat. A Community Cat Caregiver shall not be considered the owner, harbinger, controller, or keeper of a Community Cat.

³ Ordinance 15-0921-01 Changed Section 24-1; 24-2; and deleted Sections 24-6, 24-7, 24-8 Adopted 10-19-15

g.) Eartipping: The removal of the ¼ inch tip of a Community Cat's left ear, performed while the cat is under anesthesia, to identify the Community Cat as being sterilized and lawfully vaccinated for rabies.

h.) Farm Animal: Any live cow, bull, sheep, swine, goat, domestic fowl, pony, horse, donkey or other form of livestock.

i.) Keeping: One who has the care, custody or management under his direct control of any animal or one who undertakes to possess or harbor an animal.

j.) Licensed: a dog license issued in accordance with the laws of the State of Delaware.

k.) Owner: Any person, partnership or corporation owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

l.) Public Nuisance Animal: Any animal or group of animals which: (1) is repeatedly found at large; (2) damages the property of anyone other than its owner; (3) is vicious; or (4) molests passersby or passing vehicles.

m.) Restraint: Any animal secured by a leash or lead, under the control of a responsible person and obedient to that person's commands, within the real property limits of its owner, or within a vehicle being driven or parked on the streets.

n.) Trap-Neuter-Return: The process of humanely trapping, sterilizing, vaccinating for rabies, ear tipping, and returning Community Cats to their original location.

o.) Vicious Animal: Any animal which constitutes a physical threat to human beings or other animals by virtue of attacks of such number and/or severity as to cause property damage or physical injury. Evidence of two separate instances of an animal biting a human being shall be prima facie evidence that the animal is vicious.

p.) Wild Animal: Any live monkey (nonhuman primate), raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx or any other warm-blooded animal which can normally be found in the wild state.

Section 24-3 Interpretation

This Chapter is to be interpreted in a manner that allows the greatest protection of the citizenry of Delaware City and the most humane treatment of animals, while allowing the greatest possible freedom to well-trained animals under control of a competent person.

Sections 24-4 to 24-5 Reserved

Article II Licensing and Impoundment of Animals

Section 24-6 “Intentionally Deleted”

Section 24-7 “Intentionally Deleted”

Section 24-8 “Intentionally Deleted”

Sections 24-9 to 24-10 Reserved

Article III Miscellaneous

Section 24-11 Animal Noise

a.) No person shall own, keep or harbor any animal within the corporate limits of the City of Delaware City, which by causing frequent and/or sustained noise of a loud and disturbing nature shall disturb the comfort or repose of any person in the City of Delaware City; such conduct to be considered as disturbing the peace and quiet of the community and a nuisance.

b.) Any complaints, made pursuant to this Section, shall be handled by and Officer of the Delaware City Police Department, Constable, Game Warder or Animal Control Officer, who shall promptly give notice, in writing, to the person who owns, keeps or harbors the animal in question of a violation of this Chapter. Such person once notified of the violation shall have a period not exceeding forty-eight (48) hours, from the date of the receipt of said notice, to abate the noise by whatever means necessary. There shall be only one 48-hour notice period for every thirty (30) consecutive days.

c.) Penalties. In the event that the person owning, keeping or harboring such animal, in violation of this Chapter, shall fail to abate the noise after a period of forty-eight (48) hours, wherein there shall be only one forty-eight (48) hour notice period for every thirty (30) consecutive day period, then such person shall be fined as follows:

Failure to Abate Noise	First Offense	\$15.00
within time period	Second and Subsequent Offenses	\$20.00

Each day on which this Chapter is violated shall constitute a separate offense for which the above-listed fines may be imposed.

Section 24-12 Proper and Humane Care of Animals Required; Penalties

a.) No owner shall fail to provide his animals with humane care and treatment; sufficient, good and wholesome food and water; proper shelter and protection from the weather; and veterinary care when needed to prevent suffering.

b.) No person shall beat, cruelly ill treat, torment, overload, over work or otherwise abuse an animal, or cause, instigate or permit any dogfight or other combat between animals or between humans and animals.

c.) No owner of an animal shall abandon such animal.

d.) No person shall give away any live animal, fish, reptile or bird as a price for, or as an inducement to enter, any contest, game or other competition, or as an inducement to enter a place

of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

e.) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner. In the event that the owner cannot be ascertained and locate, such operator shall at once report the accident to the Delaware City Police Department or to the Delaware Society of the Prevention of Cruelty to Animals.

f.) No person, except a Delaware City Police Officer, Constable, Game Warden or Animal Control Officer shall place poison of any description in any place on his premises, or elsewhere, where it may be easily found and eaten by dogs or other pets.

g.) Penalties. For violations of this Section penalties are as follows:

1.) For violations of subsections a, b, c, d or e, a fine of twenty dollars (\$20.00) for the first offense and twenty-five dollars (\$25.00) for each subsequent offense.

2.) For violations of subsection f, a fine of twenty-five dollars (\$25.00) for the first offense and fifty dollars (\$50.00) for each subsequent offense.

Section 24-13 Keeping of Farm Animals or Wild Animals

a.) Generally. No person shall own, keep or harbor farm animals or wild animals within the corporate limits of Delaware City, Delaware, the presence of such farm animals or wild animals constituting a nuisance or health hazard.

b.) Penalties. Any person violating any part of this Section shall be subject to a fine of not less than ten dollars (\$10.00) and not more than fifty dollars (\$50.00) each day, on which a violation of this Section occurs shall constitute a separate offense for which the above penalties may be imposed.

Section 24-14 Public Nuisance Animals

A reasonable attempt shall be made to notify the owner of any animal suspected of constituting a public nuisance. Every public nuisance animal shall, upon demand, be delivered to the Delaware Society for the Prevention of Cruelty to Animals. It shall be unlawful for the owner of a public nuisance animal to refuse to surrender such animal to a Control Officer. Such refusal is punishable by a fine of twenty dollars (\$20.00).

A public nuisance animal which has been impounded by the Animal Control Officer may be redeemed by the owner only upon the conditions established in this Article. Any animal found

unredeemable by the Delaware Society for the Prevention of Cruelty to Animals shall be disposed of in a humane manner.

Sections 24-15 to 24-20 Reserved

Article IV Animals on Park Lands and Private Property Other than that of the Owner**Section 24-21 In General**

It shall be unlawful for any person owning, harboring, controlling or keeping any animal or fowl to permit such animal or fowl to enter upon the park lands of the City of Delaware City during the period of January 1 through December 31 of each year. This Article shall not apply to seeing eye dogs or other dogs provided same are properly licensed and at all times under the control of a responsible person through the use of proper restraints in the form of a collar and leash suitable for their intended purpose of controlling the dog and provided that owners immediately collect and properly dispose of dog waste. Notwithstanding the foregoing, any dog known to be a “vicious animal” within the meaning of Section 24-2 shall not be permitted to enter upon the park lands of the City of Delaware City at any time.

Section 24-22 Allowing Animals to Urinate and/or Deposit Fecal Matter on Other’s Property Prohibited

No person(s) owning, harboring, controlling or keeping any animal or fowl, shall deposit or permit such animal(s) or fowl to urinate and/or deposit fecal matter on any property not that of the owner or custodian. It shall not be a violation if the owner or custodian removes said fecal matter immediately thereafter.

Section 24-23 Enforcement of Article IV

This Article may be enforced by any duly authorized police officer of the State of Delaware, the City of Delaware City, Constable, Game Warden or Animal Control Officer as defined in Section 24-2 of the Animal Regulation Chapter.

Section 24-24 Penalties for Violation of Article IV

For violation of this Article, the penalties are as follows:

- a.) The first offense shall impose a penalty of twenty-five dollars (\$25.00).
- b.) Each subsequent offense shall impose a penalty of fifty dollars (\$50.00).
- c.) Each day upon which a violation of any section of this Article shall occur, shall

constitute a separate offense for which the above penalties may be imposed.

Sections 24-25 to 24-30 Reserved

Article V Enforcement and Penalties

Section 24-31 Right of Entry of Animal Control Officers

An Animal Control Officer shall have the right to enter upon any outside premises at all reasonable times for the purpose of discharging the duties imposed upon them by this Chapter where they deem it necessary for the welfare of an animal.

Section 24-32 Enforcement Contract

The Council may enter into a contract with the Delaware Society for the Prevention of Cruelty to Animals or other nonprofit corporations organized for similar purposes to perform the duties of enforcing the provision of this Article. In the event that the contracting party is an organization other than the Delaware Society of the Prevention of Cruelty to Animals, all references to the Delaware Society for the Prevention of Cruelty to Animals shall refer to the actual contracting party.

Section 24-33 Enforcement of Article

a.) The Delaware Society for the Prevention of Cruelty to Animals may establish upon approval of the Mayor and Council of Delaware City whatever regulations it deems necessary to facilitate enforcement of the provisions of this Article.

b.) The Animal Control Officers shall have all powers and duties of Delaware City Police Officers, limited however to the powers and duties incident to the enforcement of this Article and other statutes, ordinances and regulation concerning the registration of dogs, the prevention of annoyance therefrom, the prevention of cruelty to animals and the taking up and impounding of animals at large. These powers and duties shall include the power to issue summonses compelling appearance in Magistrate's Court to answer charges for violations of this Article.

Section 24-34 Necessary Action in Addition to Penalties

In addition to the penalties prescribed herein, the court may take any action it deems necessary for the best interest of the animal involved and the welfare of the neighborhood in which that animal is harbored.

Section 24-35 Community Cat Initiative

a. Purpose: Delaware City recognizes the need for innovation in addressing the issues presented by Community Cats. To that end, it recognizes that Trap-Neuter-Return is an effective and humane method to manage, and over time, reduce the population of Community Cats.

b. Trap-Neuter-Return shall be permitted, and Community Cat Caregivers, organizations, city staff, the Delaware Society for the Prevention of Cruelty to Animals, and animal control officers, are hereby permitted to carry out Trap-Neuter-Return. Community Cat Caregivers shall be responsible for the costs (if any) associated with Trap-Neuter-Return that they choose or cause to be performed. Community Cat Caregivers shall have immunity from any claim or suit for damages as a result of their actions to follow the Trap-Neuter-Return procedure.

c. An eartipped cat received by local shelters will be returned to the location where trapped after neutering unless further veterinary care is required or a home is found for the cat (unless found to be a Public Nuisance Animal). A trapped, eartipped cat, unless found to be a Public Nuisance Animal, will be released on site unless further veterinary care is required, in which case the cat will be returned once it no longer needs care.

d. Community Cat Caregivers may reclaim impounded Community Cats if eartipped or for Trap-Neuter-Return without proof of ownership.

e. Community Cat Caregivers who perform Trap-Neuter-Return or return eartipped cats shall not be deemed in violation of Section 24-35.⁴

Sections 24-36 to 24-40 Reserved

⁴ Section 24-35 was adopted by Ordinance 13-1216-01 on January 27, 2014