

**CHAPTER 3 - ANIMALS****ARTICLE 1 - GENERAL PROVISIONS**

*[Amended on 11/26/2013 by Ordinance #2013-09]*

**§ 3.1.1 Title.**

This chapter shall be known as the “Animal Ordinance of the City of Seaford, Delaware”.

**§ 3.1.2 Applicability.**

This chapter shall apply to all animals within the incorporated boundaries of the City of Seaford, Delaware.

**§ 3.1.3 Intent and purpose.**

The purpose of this chapter is to promote the health, safety, and general welfare of the citizens of the City of Seaford. It is intended to be applicable to all animals by ensuring responsible and humane handling by their owners. The City Council is designated as the lead agency charged with the administration and enforcement of this section, and may appoint such persons to assist in the administration and enforcement of this section as it deems appropriate.

**§ 3.1.4 Definitions.**

For the purposes of this chapter, the following definitions shall apply:

**Aggressive Animal** - any individual animal that meets one or more of the following:

- Is not properly licensed, until such time the animal is licensed;
- Is shown to be of a disposition that while off the premises of its owner or harbinger, and without provocation, assumes a threatening posture. This can be described as, but not limited to, exhibiting bared teeth and/or aggressive advances;
- Is shown to be of a disposition that without the control of its handler or while outside of its confinement, possesses the intent to commit harm to person or animal, or has been shown to harbor such tendencies;
- Is otherwise deemed not to be controlled or controllable, either due to natural tendencies or negligence.

**Animal** - Any and all types of animals, domesticated and wild, male and female, except humans.

**Animal Control Officer** - Any person appointed by the Mayor, with the approval of a majority of the Council, to enforce the provisions of this Chapter.

**At Large** - Wandering, roving or rambling at will, unrestrained, or off the premises of the owner and not under control of a human being either by leash, cord, chain or otherwise.

**Board of Animal Control** - Consists of a Councilperson, the City Building Official, and two members of the public who have demonstrated an interest in the matter of animal control and who have been appointed to this position by the Mayor.

**Carcass** - The dead body of an animal.

**Cat** - Any member of the feline species, male or female.

**City Property** - Any property owned, occupied or controlled by the City of Seaford, including but not limited to parks, streets, sidewalks and grassy areas adjacent to streets and sidewalks.

**Collar** - Any band, chain, harness or suitable device worn around the neck of a dog to which a license may be affixed.

**Dangerous Dog** – Any dog that, because of its aggressive nature, training, or characteristic behavior, presents a risk of serious physical harm or death to human beings, or would constitute a danger to human life, physical well-being, or property if not kept under the direct control of the owner. This definition shall not apply to dogs utilized by law enforcement officers in the performance of their duties. The term “dangerous dog” includes any dog that according to the records of The Delaware Department of Natural Resources and Environmental Control or any law enforcement agency:

- Has aggressively bitten, attacked, endangered, or inflicted serious injury on a human being on public or private property; or
- Has severely injured or killed a domestic animal while off the owner’s property; or
- Has been used primarily or in part for the purpose of dog fighting, or is a dog trained for dog fighting.

**Dog** - Any member of the canine species, male or female.

**Fowl** - Any and all fowl, domesticated and wild, male and female.

**Keep** - To possess, control, exercise, harbor, care for, own, shelter, maintain or allow running at large.

**Kennel** - Any establishment wherein the owner keeps, grooms, cares for, trains, handles, maintains or boards any dog belonging in a proprietary sense to another, as a business; or an establishment where dogs are kept for a hobby, sporting activity, breeding or sale.

**Muzzle** – A device constructed of strong, soft material or of metal designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

**Owner** - Any person owning, keeping or harboring a dog or other animal.

**Person** - Includes an individual, natural person, joint-stock company, partnership, voluntary association, society, club, firm, company, corporation, business trust, organization or any other group acting as a unit, with a manager, lessee, agent, servant, partner, member, director, officer or employee of any of them, including an executor, administrator, trustee, receiver or other representative appointed according to law.

**Pet Shop** - Any establishment at which any animals are kept for sale and are considered household pets, excluding kennels or livery stables.

**Pound** - Any establishment authorized by the Animal Control Officer for confinement, maintenance, safekeeping, and control of dogs that come into the custody of the Animal Control Officer in the performance of his official duties.

**Property of Another** - All private property within City boundaries which is not owned by the City, including but not limited to all residential, commercial and industrial property, private streets and sidewalks and the grassy areas located adjacent to such streets and sidewalks, rights-of-way and any common areas of a townhouse, apartment, or duplex.

**Sanitary** - A condition of good order and cleanliness that reduces the spread of disease

**Stray** - a domestic animal that is wandering at large or is lost.

**Tether** – attaching an animal to a stationary object or pulley run by means of a chain, rope, tether, cable, or similar restraint. Tether does not include the use of a leash to walk an animal.

**Vaccination** - Any anti-rabies vaccination using a type of vaccine approved by the State veterinarian.

**Veterinarian** - Any veterinarian licensed by the State to practice or employed by a governmental agency.

**Veterinary Hospital** - Any establishment operated by a veterinarian licensed to practice in the State that provides clinical facilities and houses animals or birds for dental, medical, or surgical treatment-pens, stalls, cages, kennels, for quarantine, observation or boarding.

**Vicious Animal** - Any animal that attacks, bites, or has a known propensity to attack or bite human beings or other animals on public or private property, and/or:

- While off the premises of its owner or harbor, and without provocation, has bitten another animal or person or has been shown to have a history of such tendencies in the past; or
- While off the premises of its owner or harbor, and without provocation, is of a disposition to attack person(s) or animal(s); or
- Has escaped from its handler or its confinement and without provocation, committed a physically aggressive action toward a person or properly confined animal; or
- Is to have been cited as an “aggressive animal” by a Police Officer, Animal Control Officer or the Board of Animal Control.

#### § 3.1.5 Agreements authorized.

- A. The Council is authorized to enter into any necessary and proper agreements with the Humane Society or its equivalent for the purpose of carrying out the provisions of this chapter.
- B. Any such agreement under § 3.1.5(A) shall be recorded in writing with the City Manager, or designee, and available for inspection by the public.

#### § 3.1.6 Applicability of state laws to custody of animals.

- A. No person owning or having in his custody any animal shall violate any laws, rules or regulations of the State applicable thereto. Such laws, rules and regulations are included herein by reference. Where the provisions of rules and regulations are less restrictive than the provisions of this Chapter, the Latter shall govern.

**§ 3.1.7 Enforcement of chapter.**

- A. The Board of Animal Control, Animal Control Officer, Building Official, City of Seaford Police, and City Manager, or designee, shall enforce the provisions of this Chapter.
- B. In the absence of necessary resources or trained personnel to properly enforce this Chapter, the City of Seaford may request assistance from, or work in conjunction with, the State of Delaware or Sussex County as appropriate.
- C. No person shall willfully oppose, restrict, delay or obstruct the Animal Control Officer or his duly authorized representative in the discharge or attempt to discharge or perform any act or duty authorized or prescribed herein.
- D. Upon presentation of proper credentials, the Animal Control Officer or his duly authorized representative may enter upon the yards of private property in order to enforce the provisions of this article. It shall be the duty of the Animal Control Officer or his duly authorized representative to impound all animals that are untagged, as provided for in this chapter, or that are in or upon any private property without the permission and consent of the owner of such property or that are in or upon any public street, alley, sidewalk, park or other public place unleashed.

**§ 3.1.8 Notification to abate violation.**

- A. The City Manager, or designee, is authorized and directed to notify the owner or occupier of any lot, place or area within the corporate limits of the City or the agent of the owner or occupier to abate a nuisance and/or violation of this Chapter. Any notice required by this Chapter to be served shall be deemed to have been served when served by any of the following methods:
  - 1. When forwarded to the last-known address of the owner as recorded in the real estate assessment records of the City of Seaford, by registered or certified mail, with return receipt, and such receipt shall constitute prima facie evidence of service upon such owner if such receipt is signed either by the owner or by a person of suitable age and discretion located at such address. Provided, that valid service upon the owner shall be deemed effected if such notice shall be refused by the owner and not delivered for that reason; or
  - 2. When delivered to the person to be notified; or
  - 3. When left at the usual residence or place of business of the person to be notified with a person of suitable age and discretion then resident or employed therein; or
  - 4. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice for a period of five (5) days prior to the City Manager, or designee, authorizing the abatement of a violation.

**§ 3.1.9 Authority of City to abate violation when owner fails to do so.**

Upon the failure, neglect or refusal of any owner so notified to abate a violation on their property within ten (10) days after serving of notice, as provided for in this Article, the City of City Manager, or designee, is hereby authorized and empowered to cause such condition to be abated and is hereby authorized and empowered to pay for the abatement of such violation.

**§ 3.1.10 Cost of abatement by City; Payment by Owner.**

- A. When the City of Seaford has affected the abatement of a violation through the use of its own employees or has paid for the abatement by its agents or contractors, the actual costs thereof and any related expenses along with an administrative fee of One Hundred Dollars (\$100) shall be charged to the owner of such property and, if not sooner paid, such charge will be carried on the records of the City of Seaford and shall be collectible in the same manner as real estate taxes are collected.
- B. When the City of Seaford has, for the second time and any additional times at such property, effected the abatement of a violation through the use of its own employees or has paid for the abatement by its agents or contractors, the actual costs thereof and any related expenses along with an administrative fee of Five Hundred Dollar (\$500) shall be charged to the owner of such property and, if not sooner paid, such charge will be carried on the records of the City of Seaford and shall be collectible in the same manner as real estate taxes are collected.
- C. Interest on all outstanding balances owed to the City shall be charged at the rate of eighteen percent (18%) per annum to be applied thirty (30) days following the date of completion of the work. If not paid by the owner or occupier thereto, said bill shall be charged to the owner or occupier of such property.

**§3.1.11 Recorded statement constitutes lien.**

- A. After the abatement of such violation, the Building Official shall cause to be recorded in the Finance Department of the City a sworn statement showing the cost and expense incurred for the work, the administrative fees, date the work was done and the location of the property on which such work was done.
- B. The Finance Department shall charge these costs against the real estate upon which the work was performed and bill the property owner for said charges.
- C. Where the full amount due the City is not paid by such owner within thirty (30) days, the City Solicitor shall file a lien against the property for all charges including but not limited to administrative costs, court costs and reasonable attorney's fees.

**§3.1.12 Appeals.**

- A. Within seven (7) business days from the service of notice as provided for in this Article, the owner or his agent may file with the City Board of Animal Control stating in detail the reasons as to why the action proposed by the Animal Control Officer should not be taken.
- B. Upon receipt of such appeal, the City Board of Animal Control shall put the cause on its agenda at its earliest convenience, notify the protestant thereof and hear the merits of the appeal.
- C. The City Board of Animal Control may reverse the action of the Animal Control Officer for any error of fact or law, or upon finding that the enforcement constitutes an undue hardship.
- D. If the protestant is dissatisfied with the decision of the City Board of Animal Control, he shall have the right to appeal to the City Council, provided that such appeal be

taken within thirty (30) days after the protestant is notified (either at the hearing or in writing) of the City Board of Animal Control decision.

- E. If the protestant is dissatisfied with the decision of the City Council, he shall have the right to appeal to a court of competent jurisdiction, provided that such appeal be taken within thirty (30) days after the protestant is notified (either at the hearing or in writing) of the City Council's decision.

**§ 3.1.13 Penalties.**

- A. Any person, who violates any provision of this Chapter, unless otherwise specifically provided, shall be fined not less than fifty dollars (\$50) and not more than three hundred dollars (\$300) for each offense, plus costs of prosecution. For each subsequent offense, within a twelve (12) month period, the person shall be fined not less than three hundred dollars (\$300) and not more than five hundred dollars (\$500) for each offence, plus costs of prosecution. A separate offence shall be deemed committed on each day during or on which a violation occurs or continues.

**§ 3.1.14 through § 3.1.99 RESERVED**

**ARTICLE 2 – GENERAL REGULATIONS FOR KEEPING AND MAINTAINING ANIMALS**

*[Amended on 11/26/2013 by Ordinance #2013-09]*

**§ 3.2.1 Manner of keeping animals.**

- A. No person shall keep or maintain any animal in the City in such manner so as to become a public nuisance or disturb the peace, comfort or health of any person residing within the City.
- B. The Keeping of all animals within the City shall be subject to all applicable regulations of the State of Delaware.

**§ 3.2.2 Keeping of certain animals prohibited.**

- A. No person shall keep any livestock, swine, cow, bull, sheep, pig, goat, goose, duck, chicken, hen, rooster, turkey, poultry fowl, rabbits or like animal or other farm animal, as well as snakes, foxes, wolves or other wild animals, within the City of Seaford unless with the written permission of the City Manager, or designee, in conformance with the City Zoning Ordinance.

**§ 3.2.3 Keeping of Aggressive Animals prohibited.**

- A. The owner of an Aggressive Animal is allowed seven (7) days to establish compliance with this ordinance.
- B. An animal cited as “aggressive” shall be restrained at all times in accordance with the following:
  - 1. The aggressive animal shall be muzzled and on a secure leash when being transported or when it is outside of its enclosure;
  - 2. When not being transported, the aggressive animal shall be kept in a secure enclosure, which is animal proof from the inside and child proof from the outside. This enclosure shall be constructed such that the aggressive animal will remain restrained to prevent accidental or negligent release. The city reserves the right to establish enclosure requirements.
- C. The third citation as an “aggressive” will result in the animal being considered as a “vicious” animal, subject to the conditions for “vicious” animals. The owner of an aggressive animal is required to notify the public when such an animal is on the premises.
- D. It is not the intent of this ordinance to prohibit the police department from using any trained dog that may attack on command, provided that each such dog must be in the presence of its handler or confined in accordance with police department policy at all times.
- E. Any violation of this section is hereby declared a nuisance. In addition to any other relief provided by this ordinance, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction. Additionally, the City may impound a vicious animal as provided in Article 4 of this chapter.

- F. Any person, firm or corporation violating any provision of this Article shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offence and a separate offence shall be deemed committed on each day during or on which a violation occurs or continues.

**§ 3.2.4 Keeping of Vicious Animals prohibited.**

- A. No person shall keep any vicious animal anywhere in the City.
- B. The owner of a vicious animal is allowed twenty four (24) hours to establish compliance with this ordinance.
- C. No landlords or landlord's agent shall knowingly permit any tenant to move a vicious animal into any building or premises owned or controlled by such landlord or agent. Any landlord or agent learning of any vicious animal in any building or premises owned or controlled by such landlord or agent shall notify the person having such animal to remove the animal from the City.
- D. Any violation of this section is hereby declared a nuisance.
- E. In addition to any other relief provided by this ordinance, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction. Additionally, the City may impound a vicious animal as provided in Article 4 of this chapter.
- F. It is not the intent of this ordinance to prohibit the police department from using any trained dog that may attack on command, provided that each such dog must be in the presence of its handler or confined in accordance with police department policy at all times.
- G. Any person, firm or corporation violating any provision of this Article shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offence and a separate offence shall be deemed committed on each day during or on which a violation occurs or continues.

**§ 3.2.5 Animals or poultry; license to raise.**

- A. Any person engaged in raising or breeding poultry, pigeons, rabbits, hares, or guinea Pigs for commercial purposes or otherwise shall obtain a license.
- B. Each application shall state the number and kind of poultry or animals to be raised and the location of the premises to be used for that purpose.
- C. No license shall be issued unless the application complies with all relative provisions of the Zoning Ordinance.
- D. Upon payment of an annual license fee, as established by City Council, the City Manager, or designee, shall issue the license for raising poultry or animals.

**§ 3.2.6 Animals or poultry; sanitary conditions for raising.**

- A. All persons raising poultry or animals within the City, whether for commercial purposes or otherwise, shall be required to keep the same at all times in a clean and sanitary condition and free from obnoxious odors.
- B. The poultry or animals shall be, at all times, in compliance with the Zoning Ordinance regulations.

**§ 3.2.7 Selling, dyeing or coloring baby chickens, ducklings or young rabbits; exception.**

- A. No person shall sell, barter or give away baby chickens or ducklings under five (5) weeks or rabbits under two (2) months in less than dozen lots as premiums, novelties, prizes, pets or toys or to color, dye, stain or change the natural color of baby chickens or ducklings or rabbits or to bring to transport the same into the City. This Section is not to be construed to prohibit the sale or display of baby chickens or ducklings or rabbits in proper facilities that comply with the laws of the State of Delaware by breeders and those selling for commercial breeding and raising purposes.
- B. Stores, shops, vendors and other offering chicks, ducklings, or goslings for sale, raffle, or as a prize, premium or advertising device, or displaying chicks, ducklings or goslings to the public shall provide and operate brooders or other heating devices that may be necessary to maintain the chicks, ducklings or goslings in good health, and shall keep adequate food and water available to the birds at all times.

**§ 3.2.8 Exhibition of animals; breeding in public prohibited.**

- A. No person shall exhibit a stallion, jackass, bull or other animal kept for breeding purposes in any public place while breeding.

**§ 3.2.9 Animal carcasses.**

- A. The body or part of any animal to be used for human food shall not be transported through any streets unless it is covered so as to protect it from insects, animals, dust and dirt.
- B. No person shall permit any dead animal carcass to remain within the City for longer than twenty-four (24) hours without removing or burying the same, which shall be done in accordance with the laws of the State of Delaware.
- C. When a dead animal is found in the City, the owner shall promptly and properly bury the animal when notified to do so by the Animal Control Officer or designee. Where the owner is unknown or neglects or refuses, the Animal Control Officer or designee shall bury the animal. Refusal or neglect by the owner is punishable as provided in this Code.

**§ 3.2.10 Diseased animals.**

- A. Every person owning or having any animal under his charge within the City which he knows or suspects has been affected by any communicable disease, in particular by glanders or anthrax, shall isolate the animal from other animals and shall report the existence or suspected existence of such disease to the Board of Animal Control.

**§ 3.2.11 Fastening animals to objects; impounding.**

- A. No person shall at any time fasten any horse or other animal to any vehicle, hydrant, stationary object, shade tree, or to any box or case around such tree, or to any public ornamental tree on any street or public ground.
- B. Any Police Officer, Animal Control Officer or other authorized person may impound the animal so fastened until any penalty, as may be provided, and any expenses reasonably incurred in keeping and caring for the animal are paid. If the fine and charges are not paid within seven (7) calendar days, the animal shall be deemed a stray and treated as provided for in Article 4 of this chapter.

**§ 3.2.12 Property owner may impound animal.**

Any person who finds an animal or fowl on his property to his injury or annoyance may:

- A. Remove such animal or fowl to an animal shelter, public or private; or
- B. Retain possession of such animal or fowl and, as soon as possible, notify the Humane Society or other appropriate existing agency of this custody, giving a description of the animal and the owner's name, if known.

**§ 3.2.13 Unnecessary noises by animals.**

- A. No person shall keep any animal which by causing frequent or long continued noise shall disturb the reasonable comfort or repose of any person in the vicinity. Such action is declared to be a public nuisance and detrimental to public health and welfare.

**§ 3.2.14 Advise owner of noisy animal.**

- A. Any person disturbed by a noisy animal shall advise the owner or custodian who keeps such animal of this fact. If the nuisance is not abated, the person shall then notify the Animal Control Officer.
- B. The Animal Control Officer shall then advise the owner or custodian of the complaint and of the provisions of this Chapter prohibiting such violation.
- C. If the animal is causing frequent or long-continued noise at any time, which disturbs the quiet, comfort or repose of the neighborhood, it shall be considered a public nuisance and violation of the City Noise Ordinance Chapter 8, Article 4 and shall be enforced by the City of Seaford Police.

**§ 3.2.15 Failure to abate nuisance.**

- A. No owner or custodian shall fail to abate a nuisance caused by the frequent, habitual or long continuing noise of his animal after having been notified in accordance with § 3.2.14.
- B. Any person failing to abate such nuisance shall be in violation of the City of Seaford Noise Ordinance and shall be prosecuted according to the provisions of that section.

**§ 3.2.16 Premises to be sanitary; inspection.**

The premises upon which fowl, rodents, cattle, horses, sheep or goats are kept shall always be sanitary and subject to inspection and regulation by the Animal Control Officer.

**§ 3.2.17 Minimum area limitation.**

- A. No animal shall be kept on any lot or parcel of land within the City consisting of less than ten thousand (10,000) square feet in area.
- B. The provisions of Subsection (a) shall not apply to the keeping of:
  - 1. Small household pets to include, but not limited to dogs and cats; or,
  - 2. Animals for commercial purposes where such use is established as a lawful use under the Zoning Ordinance.

**§ 3.2.18 Limitation on number of animals.**

- A. No person shall keep or harbor more than three (3) dogs, nor more than five (5) cats. At no time shall the total number of cats and dogs combined exceed five (5) on any residential lot/parcel in the City Limits. This regulation shall not apply to the keeping of animals as an accessory use in a Commercial Zone in accordance with the City Zoning Ordinance.
- B. Owners of multiple adjacent residential lots/parcels, or multiple owners of a standalone residential lot/parcel, may not keep multiples of the limits listed in § 3.2.18(A). The limits listed above may not be exceeded in any case where there may be more than one owner or more than one parcel/lot.
- C. Any appeals to this limitation must be heard by the Board of Animal Control. The Board shall have the authority to grant or deny such requests.

**§ 3.2.19 Animals at large; prohibited.**

- A. No owner or custodian shall permit any dog, cat, cattle, horse, mule, swine, sheep, goat, ducks, chickens or any other animal to run at large within the City. Herding such animal or tying it for grazing in any street or other public place shall be deemed running at large within the meaning of this Chapter.
- B. To permit any such running at large is declared to be a nuisance and dangerous to public health and safety.

**§ 3.2.20 Animal at large; by accident.**

- A. No animal running at large by accident, with a person in immediate pursuit of it, shall be deemed a stray within the provisions of this Chapter.

**§ 3.2.21 Dangerous animal at large; exception.**

- A. No person shall permit any bear, or other noxious or dangerous animal to run at large, or lead such animal, muzzled or unmuzzled, with chain or rope, or other appliance on any street, public place, or public way of the City.
- B. This provision shall not apply to a lawfully conducted circus or carnival parade or theatrical performance.

**§ 3.2.22 Animal at large; impounding.**

- A. Any animal led or permitted to run at large in violation of this Chapter shall be impounded under the provisions of Article 4 until the penalty for the violation is paid.

**§ 3.2.23 Officer may impound animal at large.**

- A. Any Police Officer, Animal Control Officer or other officer designated by the City is authorized to capture and impound any animal found at large in accordance with Article 4.

**§ 3.2.24 Barns and stables; regulations**

- A. No person shall keep, maintain or harbor any barn or stable within the City.
- B. No manure, barn cleanings, manure box or bin of any kind shall be deposited or placed upon any premises within the City. No such box or bin shall be built, kept or maintained within the City.

**§ 3.2.25 through § 3.2.99 RESERVED**

**ARTICLE 3 - RABIES CONTROL**

*[Amended on 11/26/2013 by Ordinance #2013-09]*

**§ 3.3.1 Animals to be immunized against rabies.**

- A. It shall be the duty of every resident of the City owning or possessing a dog, cat, ferret or any other animal required by law, to have the animal inoculated with an antirabic vaccine by a licensed veterinarian. The expense of inoculation shall be borne by the owner of such animal.

**§ 3.3.2 Owning or harboring an animal believed to be rabid.**

- A. If an animal has bitten a human being or another animal, or is believed to have rabies or has been bitten by an animal suspected of having rabies, the animal shall be confined by a leash or chain on the owner's premises and placed under observation of a veterinarian at the expense of the owner for a period of ten (10) days.
- B. The owner shall notify the City of Seaford, the City Animal Control Officer and the Board of Animal Control of the fact that his animal has been placed under observation and the above officer, at his discretion, is authorized to have the animal removed from the owner's premises to a veterinary hospital and then placed under observation for a period of ten (10) calendar days.
- C. No person knowing or suspecting that an animal has rabies shall allow the animal to be taken off his premises or beyond the City limits without the written permission of the Animal Control Officer.
- D. Any person upon ascertaining that an animal is rabid, shall immediately notify the City of Seaford Police or the City Animal Control Officer, who shall either remove, or cause to be removed, the animal to the pound or if required, under the circumstances, summarily destroy the animal.

**§ 3.3.3 Confining animal which has attacked or bitten a person.**

Either the Police, or the Animal Control Officer may serve notice upon the owner or person in charge of a dog or other animal which has attacked or bitten a person, to confine the animal at the expense of the owner or person in charge of it upon the premises of the owner or person in charge or at some other place designated in the notice, for at least ten (10) calendar days after the animal has attacked or bitten the person.

**§ 3.3.4 Examination of animals by either Police Officer or Animal Control Officer.**

Either the City of Seaford Police, or the Animal Control Officer or their designees shall be permitted by the owner or person in charge of an animal which has attacked or bitten a person to examine the animal at any reasonable time, and daily if desired, within a period of ten (10) calendar days after the animal has attacked or bitten a person, to determine whether the animal shows symptoms of rabies.

**§ 3.3.5 Report of suspected cases of rabies.**

- A. Whenever a dog or other animal is affected by rabies or suspected of being affected by rabies or has been bitten by an animal known or suspected to be affected with

rabies, the owner or person in charge of such dog or animal or any person having knowledge thereof, shall immediately notify either the City of Seaford Police or the Animal Control Officer.

**§ 3.3.6 Report of person bitten by animal.**

- A. Every physician shall, within twelve (12) hours after his first professional attendance upon any person bitten by a dog or other animal, report to the City of Seaford Police, City Animal Control Officer or Board of Animal Control, the name, age, sex, race and precise location of the person so bitten.
- B. When a physician is not in attendance of a person bitten by an animal, then any person in charge of or in control of or responsible for the person bitten shall report the incident to the City of Seaford Police, Animal Control Officer or Board of Animal Control and provide the same information as set out in Subsection A.

**§ 3.3.7 Confining an animal bitten by another animal.**

Either the City of Seaford Police, or the Animal Control Officer shall serve a notice, in writing, upon the owner or person in charge of an unvaccinated dog or other animal known or suspected to have been bitten by an animal known or suspected of being affected by rabies, requiring the owner or person in charge of the animal to confine it for a period of not less than six (6) months in accordance with State Law.

**§ 3.3.8 Confining animals to prevent spread of rabies.**

- A. Whenever the City of Seaford Police, City Animal Control Officer or Board of Animal Control have reason to believe that there is danger that rabies may spread within the City such officials shall serve a notice in writing upon all persons owning or having charge of any animal requiring such person to confine such animal or, the above authorities, in lieu of serving such notice in writing may cause a notice to be published in a local newspaper.
- B. Other animals may be included in the order whenever, in the opinion of the officials, this is necessary.
- C. Whenever the State Department of Health has knowledge that any case of rabies exists among dogs or other domestic animals within the State, and in its judgment the disease is liable to spread, the Department may issue an order requiring either the City of Seaford Police, City Animal Control Officer or Board of Animal Control to order animals confined as provided in this Section and to cause the enforcement of these provisions by appropriate proceedings either in law or equity.

**§ 3.3.9 Permit to release animals.**

An animal confined under the order of either the City of Seaford Police, City Animal Control Officer or Board of Animal Control, shall not be released until a certificate of release has been issued by the official who ordered the confinement.

**§ 3.3.10 through § 3.3.99 RESERVED**

**ARTICLE 4 - IMPOUNDING**

*[Amended on 11/26/2013 by Ordinance #2013-09]*

**§ 3.4.1 Power to impound.**

- A. Any officer or agent authorized or empowered to perform any duty under this Chapter is authorized to go upon any premises and seize for impounding any animal which he may lawfully seize when such officer is in immediate pursuit of such animal, except upon the premises of the owner of the animal if the owner is present and forbids the entry of the officer or agent, then a warrant shall be obtained according to law at the request of such officer or agent.

**§ 3.4.2 Impounding by residents.**

- A. Any resident of the City may take up any animal found running at large and deliver it to a police officer or other authorized person for impounding, or he may impound the animal in a place designated by the Animal Control Officer.

**§ 3.4.3 Impounding by authorized City Agent.**

- A. The City may, by resolution, enter into a contract with any Humane Society in the City, County, State or other similar association not organized for pecuniary profit as Animal Control Officers for the collection, keeping for redemption and destruction of all strays found within the City in accordance with the provisions of this Chapter.
- B. The Animal Control Officer or authorized agent of the Humane Society may seize and take into custody and impound or cause to be taken into custody and impounded and thereafter destroyed or disposed of as provided in this Article:
  1. Any animal off the premises of the owner which the Official or his agent have reason to believe is a stray dog or other animal; or
  2. Any animal off the premises of the owner without a current registration tag on his collar; or
  3. Any animal in season off the premises of the owner; or
  4. Any animal permitted to run at large within the City contrary to the provisions of this chapter.

**§ 3.4.4 Impounding; notice.**

If any dog seized in accordance with §3.4.3 wears a collar having inscribed on or attached thereto the name and address of any person or a registration tag, or the owner or the person keeping or harboring the dog is known, the pound keeper shall serve on the person whose address is on the collar, or on the owner, if known, within seventy-two (72) hours of the apprehension, a notice in writing stating that the dog has been seized and will be liable to be disposed of by sale or destroyed if not claimed within seven (7) calendar days after the service of the notice.

**§ 3.4.5 Impounding; notice; manner of service.**

- A. A notice under this Article may be served either by delivering it to the person on whom it is to be served, or by leaving it at the person's usual, or last known place of

abode, or at the address given on the collar, or by forwarding it by mail to that person at his usual or last known place of abode or to the address given on the collar. When convenient, the notice may be given by telephone to the owner, however, a written notice shall still be sent to such owner after the verbal notice.

**§ 3.4.6 Redemption of impounded animals.**

- A. The owner of an impounded animal may reclaim his animal if he pays all reasonable expenses and applicable legal, court or administrative fees incurred by reason of its detention.
- B. If the animal is unlicensed at the time of seizure, the owner may reclaim the animal if he produces a license and registration tag for the animal before the expiration of the seven (7) calendar day period.

**§ 3.4.7 Impounding; who may redeem.**

The owner of an impounded animal may redeem it as provided for in §3.4.6; however, at the expiration of the impoundment period, any other person may claim the animal, provided such person pays the fees set out in §3.4.6.

**§ 3.4.8 Disposition of unredeemed animals.**

- A. Any animal apprehended and impounded by a Police Officer or Animal Control Officer in accordance with the provisions of this Chapter may, if not reclaimed by the owner following the expiration of seven (7) calendar days from the date of receipt of the registered notice by the owner or from the date of the posting of the notice in City Hall, be turned over and released to Delaware Animal Care & Control for disposition in accordance with the laws of the State of Delaware, or the Animal Control Officer may release the animal to a person other than the owner upon the payment of the charge imposed for keeping and maintaining the animal.
- B. Any animal which appears to be suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous disease shall not be released but shall be forthwith destroyed without the necessity of giving any notice, as provided in §3.4.14.

**§ 3.4.9 Impounding; owner to pay costs.**

- A. If, when an animal is impounded, the owner is known, the Animal Control Officer shall immediately make a complaint against the owner and thereupon a warrant shall be issued. If the defendant-owner shall be found guilty of violating any of the provisions of this chapter, judgment shall be rendered against him for any prescribed penalty, impounding fee, the costs of sustenance and the costs of suit.
- B. An order shall be entered that the animal is to be sold to satisfy the judgment in case it is not paid within seven (7) calendar days. In case such fine and costs are not paid, the animal shall be sold upon the same notice as is required upon sale or execution. The owner shall be entitled to any excess of sale proceeds.

**§ 3.4.10 Redemption prior to sale.**

Nothing contained in this Article shall be construed to prevent the owner of any impounded animal from redeeming it at any time before sale, by paying all penalties, fees, costs and charges accrued up to the time the sale was stopped.

**§ 3.4.11 Collection of fine where sale proceeds are insufficient.**

When the proceeds of the sale are insufficient to satisfy the costs, fees and penalties incurred, the balance of the debt owing may be collected by the City through due process of law.

**§ 3.4.12 Record of impounded dogs.**

- A. Any officer or agent authorized to impound an animal under this Chapter who impounds an animal shall make a record of the breed, color and sex of the animal, time, date, and place of apprehension, and whether or not it is licensed, and if licensed, the State license tag number.
- B. If the animal is licensed, the officer shall enter the name and address of the owner and number of the license tag. The officer shall also enter in the record the disposition made of such animal.
- C. A compilation of the Records shall be maintained at the office of the Animal Control Officer.

**§ 3.4.13 Interference with impounding of animals.**

No person shall willfully prevent or obstruct the impounding of any animal in violation of any of the provisions of this Chapter or shall take any animal out of any pound without the consent of the person in charge of the pound, or shall knowingly impound or attempt to impound any animal not legally liable to impoundment.

**§ 3.4.14 Disposition of impounded animals suffering from rabies or other infectious disease; rabies tests.**

- A. Any impounded animal which appears to be suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous disease or which has attacked any person shall be kept at the Pound until such time and under such conditions as required by the Animal Control Officer.
- B. Whenever in the judgment of the Animal Control Officer it becomes necessary to test an animal or the remains of an animal, suspected of being rabid, the animal shall be sent to a veterinarian and/or State laboratory for rabies-hydrophobia testing and disposition.
- C. The fees, costs and expenses of such test shall be paid by the owner of the animal except as otherwise provided by law.

**§ 3.4.15 through § 3.4.99 RESERVED**

**ARTICLE 5 - DOGS**

*[Amended on 11/26/2013 by Ordinance #2013-09]*

**§ 3.5.1 Title.**

This article shall be known as the “Dog Ordinance of the City of Seaford, Delaware”.

**§ 3.5.2 Applicability.**

This chapter shall apply to all dogs within the incorporated boundaries of the City of Seaford, Delaware.

**§ 3.5.3 Intent and purpose.**

The purpose of this section is to promote health, safety, and general welfare of the citizens of the City of Seaford. It is intended to be applicable to all dogs by ensuring responsible and humane handling by their owners. The City Council is designated as the lead agency charged with the administration and enforcement of this section, and may appoint such persons to assist in the administration and enforcement of this section as it deems appropriate.

**§ 3.5.4 Licensing and vaccination for rabies.**

- A. No person shall own or have custody of any dog over six months of age unless the dog is licensed by Sussex County Delaware in accordance with the laws of the State of Delaware and has been vaccinated against rabies in accordance with the laws of the State of Delaware.
- B. This provision shall not apply to dogs in the City of Seaford owned by a non-resident, provided that the dogs are duly licensed in their home city, county or state and provided that the owner has a valid rabies vaccination certificate for the dog while the dog is in the City Limits.

**§ 3.5.5 Number of dogs per property.**

- A. No more than three dogs over the age of six (6) months shall be permitted in any dwelling unit as that term is defined in the City of Seaford Zoning Ordinance. Additional dogs may be permitted to be housed in a dwelling unit if approved by the Board of Animal Control. This regulation shall not apply to the keeping of animals as an accessory use in a Commercial Zone in accordance with the City Zoning Ordinance.
- B. Nothing in this regulation shall affect a visiting dog housed at a dwelling unit for a period of less than thirty (30) days.

**§ 3.5.6 Care, treatment and humane handling of dogs.**

- A. All dogs shall be handled, cared for, and treated in accordance with the laws of the State of Delaware.
- B. Any time that a dog is confined outside, and the owner is absent from the property, a suitable shelter as described in § 3.5.8, must be provided for the dog, and if tethered, the tether must be positioned so the dog may enter the shelter easily.

- C. Any time that a dog is left outside, a suitable shelter as described in § 3.5.8, must be provided for the dog.

**§ 3.5.7 Confinement.**

- A. Confinement is required.
- B. Except when leashed as provided in this section, all dogs shall be securely confined indoors or confined outdoors within an area by means of a locked kennel, pen, fencing or confined to an area of the yard utilizing an electronic pet containment system, which is designed to prevent the dog from exiting the confined area on its own.
- C. Adequate food, water and a shelter must be available to any dog kept within an outdoor confinement area.
- D. No dog shall be permitted to be tethered to any objects as a primary means of confinement.
- E. A person must not tether a dog under circumstances that endanger its health, safety, or well being including but not limited to:
  - 1. Tethering a dog longer than two (2) hours cumulatively during any twenty-four (24) hour period;
  - 2. Tethering a dog by any means other than a harness;
  - 3. Tethering a dog between the hours of eight-o'clock (8:00) p.m. and eight-o'clock (8:00) a.m. unless the Animal Control Officer grants a waiver based on extraordinary circumstances after determining that the proposed tethering will be safe and humane;
  - 4. Unattended tethering of a dog during a weather emergency, or a dog-control emergency declared by the City Manager, or designee, Chief of Police or Animal Control Officer;
  - 5. Using a tether that weighs more than 1/8<sup>th</sup> of the dog's body weight;
  - 6. Using a tether that does not have a swivel attached on each end;
  - 7. Using a tether that is less than five times the length of the dog, as measured from the tip of its nose to the base of its tail;
  - 8. Tethering that unreasonably limits a dog's movement;
  - 9. Tethering under conditions where the dog or tether can become entangled on the tether or some other object;
  - 10. Tethering that restricts a dog's access to suitable and sufficient food, clean water and appropriate shelter;
  - 11. Tethering in unsafe and unsanitary conditions;

12. Tethering that does not allow a dog to defecate or urinate in an area separate from the area where it must eat, drink, or lie down; or
  13. Tethering that causes injury, stress, or demonstrable socialization problems to the dog.
- F. Nothing in §3.5.7(E) shall prohibit the temporary tethering of a dog incidental to its veterinary care and/or grooming, in accordance with professionally accepted standards.
- G. Failure to provide relief to a dog in distress when exposed to any of the conditions listed in §3.5.7(E) is proof that the dog was improperly, i.e., cruelly tethered.

### § 3.5.8 Shelter.

- A. The shelter or dog house shall be constructed to protect the dog from the weather and comply with the following requirements:
1. Constructed of solid wood, fiberglass or other weather resistant material, but excluding metal;
  2. Set at least 2" off the ground, with a solid, level floor;
  3. May not contain cracks or openings except for the entrance;
  4. Have a protected entrance or offset to act as a windbreak with a flexible flap made of windproof material when temperatures are below forty-five degrees Fahrenheit (45° F) ;
  5. Have an overhang on the roof;
  6. Contain a sufficient quantity of non-absorbent bedding such as wood chips or straw for insulation against cold and damp; and
  7. Is sufficiently large enough that the dog is able to stand up and turn around while inside but is sized to allow the dog to warm the interior of the structure and retain his or her body heat.
- B. Shade must be available to outdoor dogs at all times from sources other than the dog house, whether the shade is natural or manmade.
- C. Garages, sheds, screened or enclosed porches and alcoves may be considered shelter or protection from the weather, provided that:
1. During spring and summer, the structure is ventilated so as to provide movement of air;
  2. In a heated structure during fall and winter, an area must be provided for the dog that contains bedding (blankets, wood chips, etc.) sufficient to keep the pet insulated from the floor of the structure; or
  3. In an unheated structure during fall and winter, an enclosure must be provided consisting of four walls and a top (which may also be an igloo-type house), and is sufficiently large that the dog is able to stand up and turn around while inside;

said enclosure is for the purpose of retaining the body heat of the dog; bedding (blankets, wood chips, etc.) must also be provided.

- D. A pet door, which allows the dog to enter the living space of the house at any time, may be used in lieu of the shelters listed in §3.5.7(A,B &C) above.

#### **§ 3.5.9 Identification tag; violations and penalties.**

- A. Every person who owns, controls, harbors, possesses or keeps any dog over the age of six months in the City of Seaford shall procure an identification tag for said animal. Within fifteen (15) days after an animal reaches the age of six (6) months, or within fifteen (15) days after any animal over the age of six (6) months is acquired or brought into the city, its owner shall procure an identification tag for said animal. Any owner who fails to procure such an identification tag within the time allowed shall be subject to a fine of not less than twenty five dollars (\$25) and not more than three hundred dollars (\$300). The identification tag shall contain the name, address and telephone number of the owner of the animal.
- B. The owner of the animal shall affix or cause to be affixed to said animal the identification tag hereinabove mentioned, and said animal shall thereafter, at any and all times, have attached to it said identification tag.

#### **§ 3.5.10 Leashes.**

- A. Leashes are required for any dog not confined as described in §3.5.7.
- B. No person having charge, custody, control or possession of a dog shall allow the dog to exit its kennel, pen or other proper enclosure unless such dog is securely attached to a leash no more than twelve feet in length.
- C. A person capable of controlling the dog is to be in physical control of the leash once the dog leaves the kennel or other enclosure.
- D. Notwithstanding anything in this article to the contrary, no person shall be compelled to keep any dog, in his possession on a leash while in or upon any public street, alley, parkway or other public place in the city if, at the time, said animal is securely confined in an automobile.

#### **§ 3.5.11 Sanitation.**

- A. Any person who owns a dog or has custody of a dog, which dog has caused its feces to be deposited upon any City property or upon the property of another, shall immediately remove such feces or cause it to be removed and shall dispose of it in a sanitary manner. A person will be considered to have disposed of feces in a sanitary manner if such person places such material in a bag or wrapper made of paper, plastic or some similar material and places it in a refuse container. Disposal of feces in street storm collection systems is prohibited.
- B. Any kennel, pen, or other proper enclosure must be kept in a sanitary condition to avoid obnoxious odors offending others and to keep the enclosure clean for the dog's health and welfare.

- C. Waste must be removed from the kennel, pen, yard or other enclosure daily to assure the dog's good health and welfare.

**§ 3.5.12 Dogs running at large.**

- A. No dog shall be permitted to run at large at any time. Any owner or custodian who violates this section shall be fined not less than \$25, or more than \$50 maximum. For each subsequent offense occurring within 12 months of a prior offense, the person shall be fined not less than \$50, or more than \$100. Allowing a dog to run at large is a violation.
- B. Whoever, being the owner, custodian, possessor or harbinger of any dog that while running at large and without provocation, bites a person shall be fined not less than one hundred dollars (\$100) or more than five hundred dollars (\$500). For each subsequent offense involving the same dog, such owner, custodian, possessor or harbinger shall be fined not less than seven hundred fifty dollars (\$750) or more than fifteen hundred dollars (\$1,500). The minimum fines provided for in this subsection shall not be subject to suspension. For purposes of this subsection, a dog shall not be deemed as running at large if such dog is in its kennel, pen, within a yard utilizing an electronic pet containment system, or leashed by such dog's owner, custodian, possessor or harbinger.
- C. Any dog found running at large contrary to the provisions of this section may be impounded in accordance with the procedures outlined in this chapter.

**§ 3.5.13 Dangerous dog; procedure for declaring.**

- A. An Animal Control Officer, Police Officer, or any adult person may request under oath that a dog be classified as dangerous by submitting a sworn, written complaint to the City of Seaford's Board of Animal Control. Upon receipt of such a complaint, the Board of Animal Control shall notify the owner of the dog that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted.
- B. At the conclusion of an investigation, the Board of Animal Control may:
  - 1. Determine that the dog is not dangerous and, if the dog is impounded, waive any impoundment fees incurred and release the dog to its owner; or
  - 2. Determine that the dog is dangerous and order the owner to comply with the requirements for keeping dangerous dogs set forth in this chapter; and if the dog is impounded, release the dog to its owner after the owner has paid all fees incurred for the impoundment. If all impoundment fees have not been paid within ten (10) business days after a final determination that a dog is dangerous, the Board of Animal Control may cause the dog to be humanely destroyed.

**§ 3.5.14 Dangerous dog; notification procedure after declaration.**

- A. Within five (5) business days after the Board of Animal Control has declared a dog dangerous, the Animal Control Officer or designee shall notify the owner by certified mail of the dog's designation as a dangerous dog and any specific restrictions and conditions for keeping the dog, as set forth in this chapter. The Animal Control Officer also shall notify the City Police Department of the designation of any dog as a

dangerous dog. Such notification shall describe the dog and specify any particular requirements or conditions placed upon the dog's owner.

- B. The notice shall inform the dog's owner that he may request, in writing, a hearing to contest the Board's findings and designation within five (5) business days after the delivery of the dangerous dog declaration notice.
- C. If the Animal Control Officer cannot with due diligence locate the owner of a dog that has been seized pursuant to this Section, the Board of Animal Control shall cause the dog to be impounded for not less than five (5) business days. If after five (5) business days, the owner fails to claim the dog, the Board of Animal Control may cause the dog to be humanely destroyed.

**§ 3.5.15 Dangerous dog; hearing on declaration.**

- A. The Board of Animal Control shall hold a hearing within fifteen (15) business days after receiving the dog's owner's written request for such a hearing. The Board shall provide notice of the date, time and location of the hearing to the dog's owner by certified mail and to the complainant by regular mail.
- B. At a hearing, all interested persons shall be given the opportunity to present evidence on the issue of the dog's dangerousness. Criteria to be considered in a hearing required by this chapter shall include but not be limited to the following:
  - 1. Provocation;
  - 2. Severity of attack or injury to a person or domestic animal;
  - 3. Previous aggressive history of the dog;
  - 4. Observable behavior of the dog;
  - 5. Site and circumstances of the incident and;
  - 6. Statements from interested parties.
- C. A determination at a hearing that the dog is in fact a dangerous dog shall subject the dog and its owner to the provisions of this article.
- D. Failure of the dog's owner to request a hearing shall result in the dog being finally declared a dangerous dog and shall subject the dog and its owner to the provisions of this article.

**§ 3.5.16 Dangerous dog; appeal from declaration.**

- A. If the Board of Animal Control determines that a dog is dangerous at the conclusion of a hearing conducted under §3.5.15 that decision shall be final unless the dog's owner applies to a court of competent jurisdiction for any remedies that may be available within fifteen (15) business days after receiving notice that the dog has been finally declared dangerous.

**§ 3.5.17 Dangerous dog; keeping.**

- A. The keeping of a dangerous dog as defined in this chapter shall be subject to the requirements of this subsection.
- B. Muzzle requirement. It shall be unlawful for any dog owner or keeper of a dangerous dog to allow the dog to be outside of its kennel, pen or other proper enclosure unless it is necessary for the dog to receive veterinary care or exercise. In such cases, the

dog shall wear a properly fitted muzzle to prevent it from biting humans or other animals. Such muzzle shall not interfere with the dog's breathing or vision.

- C. Indoor confinement. No dangerous dog shall be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog shall be kept in a house or structure when the screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
- D. Liability insurance; surety bond. The owner of a dangerous dog shall present to the Animal Control Officer proof that he/she has procured liability insurance or a surety bond in the amount of not less than one hundred thousand dollars (\$100,000.00) covering any damage or injury that may be caused by such dog. The policy shall contain a provision requiring the Animal Control Officer be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminated, or expires. In the event that the owner proves to the satisfaction of the Animal Control Officer that insurance is not available, he/she may pay a nonrefundable case fee in the amount of one thousand dollars (\$1,000.00) to the City. This case fee is not in lieu of liability insurance, and shall not be used in any way to pay claims of liability for the owner of the dangerous dog.
- E. Notification of escape. The owner or keeper of a dangerous dog shall notify the City of Seaford Police and the Animal Control Officer immediately if such dog escapes from its enclosure or restraint and is at large. Such immediate notification shall also be required if the dog bites or attacks a person or domestic animal.
- F. Failure to comply. It shall be unlawful and a misdemeanor for any owner of a dangerous dog to fail to comply with the requirements and conditions set forth in this section. Any dog found to be in violation of this section shall be subject to immediate seizure and impoundment. In addition, failure to comply with the requirements and conditions set forth in this section shall result in the revocation of the permit providing for the keeping of such animal.
- G. Spaying or neutering. The owner of a **dangerous dog** shall be required to spay or neuter such dog.
- H. Microchip required. Any dog determined to be dangerous shall be microchipped for proper identification.

**§ 3.5.18 Dangerous dog; City permit and tag required.**

- A. The owner of a dangerous dog shall, within three (3) business days after the classification of the dog as dangerous or upon acquisition of the dog, annually register to obtain a permit from the Board of Animal Control to harbor the dog.
- B. Only persons twenty one (21) years of age or older shall be allowed to own, keep or harbor a dangerous dog inside the City limits. The owner must offer proof of age through a valid State of Delaware-issued identification (e.g. driver's license) or certified birth certificate.
- C. Such ownership is subject to the following conditions:
  - 1. A color photograph of the dog showing its size and color;

2. Proof of home ownership (e.g., deed, homeowner's policy, mortgage coupon) or lease with express written permission from the landlord allowing said dog to be harbored on the premises; and
  3. The fee for such permit shall be as determined by City Council.
- D. The registration process and issuance of the permit will result in the issuance of a special tag, to be attached at all times to the dog's collar, so that an Animal Control Officer or Building Official may readily determine if the dog has been registered.
  - E. Upon registration, the permit issued by the Board of Animal Control shall be carried by the owner at all times and the permit must be presented to an Animal Control Officer upon request.

**§ 3.5.19 Dangerous dog; notification of intent to impound.**

- A. When an Animal Control Officer intends to impound a dog declared to be dangerous by reason of its having committed any of the acts described in the definition of a dangerous dog, he shall notify the owner or custodian of the dog, by personal service or by certified mail, of the intended impoundment at least five (5) business days prior to the intended impoundment, except as provided in § 3.5.20.
- B. The notice of intent to impound shall inform the owner or custodian of the dog that he/she may request in writing, within five (5) business days prior to the intended impoundment, a hearing before the Board of Animal Control to contest the intended impoundment and finding a violation.
- C. Upon written request by the owner or custodian of the dog for a hearing pursuant to § 3.5.21, a hearing shall be held within ten (10) business days after the request is received by the City. Notice of the date, time and location of the hearing shall be provided by personal service or certified mail to the dog's owner or custodian requesting such hearing.
- D. If the owner or custodian requests a hearing pursuant to this article, no impoundment shall take place until conclusion of the hearing, except as authorized by § 3.5.20.

**§ 3.5.20 Dangerous dog; immediate impoundment.**

- A. A dog declared to be dangerous may be immediately impounded without a pre-impoundment hearing when a Law Enforcement Officer or any Animal Control Officer having jurisdiction in the matter determines such immediate impoundment is necessary for the protection of public health or safety. Such immediate impoundment may be ordered for violation of § 3.5.17 or when the dog bites a person or domestic animal.
- B. The owner or custodian of the dog immediately impounded pursuant to this section shall be notified of the impoundment by personal service or by certified mail within five (5) business days after the dog's impoundment.
- C. The notice of impoundment shall inform the owner or custodian of the dog that he may request, in writing, a hearing to contest the impoundment within five (5) business days after the mailing of the notice of impoundment.

- D. Upon written request by the owner or custodian of the dog for a hearing pursuant to § 3.5.21, a hearing shall be held within ten (10) business days after the request is received by the City. Notice of the date, time and location of the hearing shall be provided by personal service or certified mail to the dog's owner or custodian requesting such hearing.

**§ 3.5.21 Dangerous dog; hearing on impoundment.**

- A. If, after a hearing on impoundment, the Board of Animal Control finds no violation of §3.5.17, or that the dog has not bitten an individual or domestic animal, the dog shall be returned to its owner or custodian if already impounded, or shall not be impounded as intended.
- B. Incident to the findings and conclusions made at the impoundment hearing, the Board of Animal Control may impose reasonable restrictions and conditions for the maintenance of the dog to ensure the health and safety of the public and the animal. Such conditions may include, but shall not be limited to:
  - 1. Posting of bond or other proof of ability to be responsible for damages;
  - 2. Specific requirements as to size, construction and design of a kennel in which to house the dog;
  - 3. Requirements as to type and method of restraint and/or muzzling of the dog;
  - 4. Permanent marking of the dog for purposes of identification; and
  - 5. Payment of reasonable fees to recover the costs incurred by the City in ensuring compliance with this Ordinance.

**§ 3.5.22 Destruction.**

- A. The Board of Animal Control or its designee may order the destruction of a dog that it determines to be dangerous to public health or safety, a dog that has made a vicious attack upon an individual, or a dog declared dangerous whose owner is unable or unwilling to adequately restrain it.
- B. The Board of Animal Control shall give written notice by certified mail of its intention to destroy such dog to the owner or custodian of the dog, who may request in writing, within fifteen (15) business days after delivery of such notice, a hearing to contest the intended destruction.
- C. If no hearing is requested pursuant to § 3.5.23, the dog shall be humanely destroyed pursuant to applicable provisions of law.
- D. If a hearing is requested pursuant to § 3.5.23, such hearing shall be held within ten (10) business days after the request; and the dog shall not be destroyed prior to the conclusion of the hearing.
- E. The dog owner shall be responsible for payment of all boarding costs and other fees as may be required for the City to humanely and safely keep the animal during any legal proceeding.

**§ 3.5.23 Appeal from order of humane destruction.**

- A. If the Board of Animal Control orders a dangerous dog to be humanely destroyed, that decision shall be final unless the dog owner applies to a court of competent jurisdiction for any remedies that may be available within fifteen (15) calendar days

after receiving notice of the destruction order. If an appeal is timely filed, the Board shall suspend the destruction order pending the final determination of the court.

**§ 3.5.24 Change of ownership.**

- A.** Any owner of a dangerous dog who sells or otherwise transfers ownership, custody or residence of the dog to another citizen of this City shall, within ten (10) business days after such change of ownership or residence, provide written notification to the Board of Animal Control of the name, address and telephone number of the new owner.
- B.** It also shall be the responsibility of the person transferring ownership or custody of the dog to provide written notification of the dog's classification as dangerous to the person receiving the dog. The previous owner shall furnish a copy of such notification to the Board of Animal Control, along with written acknowledgment by the new owner of his/her receipt of such notification.
- C.** The Board of Animal Control shall notify the Code Department of any changes of ownership, custody or residence of the dog within three (3) business days after receiving the required information from the previous owner. The Board shall supply the Code Department with the new owners name and address, the new location of the animal and proof that all applicable insurance and keeping provisions of this regulation are satisfied.
- D.** Any citizen of the City of Seaford receiving a dog classified as dangerous must obtain the required permit, tag and enclosure prior to acquisition of the dog. The new owner shall comply fully with the provisions of this section pertaining with obtaining liability insurance, payment of fees and maintenance control and ownership of a dangerous dog.

**§ 3.5.25 Continuation of dangerous dog declaration.**

- A.** Any dog that has been declared dangerous by any agency or department of this City, another municipality, county, or state shall be subject to the provisions of this section for the remainder of its life.
- B.** The person owning or having custody of any dog designated as dangerous by any municipality, county, or state government shall notify the Board of Animal Control of the dog's address and condition of maintenance within five (5) business days of moving the animal into the City of Seaford.
- C.** The restrictions and conditions of maintenance of any dog declared dangerous by this City, another municipality, county or state shall remain in force while the dog remains in the City.

**§ 3.5.26 through § 3.5.99 RESERVED**

**ARTICLE 6 - CATS**

*[Amended on 11/26/2013 by Ordinance #2013-09]*

**§ 3.6.1 Title.**

This article shall be known as the “Cat Ordinance of the City of Seaford, Delaware”.

**§ 3.6.2 Applicability.**

This chapter shall apply to all cats within the incorporated boundaries of the City of Seaford, Delaware.

**§ 3.6.3 Intent and purpose.**

The purpose of this section is to promote health, safety, and general welfare of the citizens of the City of Seaford. It is intended to be applicable to all cats by ensuring responsible and humane handling by their owners. The City Council is designated as the lead agency charged with the administration and enforcement of this article, and may appoint such persons to assist in the administration and enforcement of this section as it deems appropriate.

**§ 3.6.4 Spay or neuter**

- A.** Every person who owns, controls, harbors, possesses or keeps any cat over the age of six (6) months in the City of Seaford shall have the cat spayed or neutered. Within 15 days after an animal reaches the age of six (6) months, or within fifteen (15) days after any cat over the age of six (6) months is acquired or brought into the city, its owner shall have the cat spayed or neutered.
- B.** Any owner who fails to spay or neuter their cat within the time allowed shall be subject to a fine of not less than twenty five dollars (\$25.00) and not more than three hundred dollars (\$300.00).

**§ 3.6.5 Identification tag; violations and penalties.**

- A.** Every person who owns, controls, harbors, possesses or keeps any cat over the age of eight (8) weeks in the City of Seaford shall procure an identification tag for said animal.
- B.** Within fifteen (15) days after an animal reaches the age of eight (8) weeks, or within fifteen (15) days after any animal over the age of eight (8) weeks is acquired or brought into the city, its owner shall procure an identification tag for said animal.
- C.** Any owner who fails to procure such an identification tag within the time allowed shall be subject to a fine of not less than twenty five dollars (\$25.00) and not more than three hundred dollars (\$300.00).
- D.** The identification tag shall contain the name, address and telephone number of the owner of the animal.
- E.** The owner of the animal shall affix or cause to be affixed to said animal the identification tag hereinabove mentioned, and said animal shall thereafter, at any and all times, have attached to it said identification tag.

**§ 3.6.6 Cats running at large.**

- A. No cat shall be permitted to run at large at any time. Any owner or custodian who violates this section shall be fined not less than twenty five dollars (\$25.00), or more than fifty dollars (\$50.00) maximum. For each subsequent offense occurring within twelve (12) months of a prior offense, the person shall be fined not less than fifty dollars (\$50.00), or more than one hundred dollars (\$100.00) maximum. Allowing a cat to run at large is a violation.
- B. For purposes of this subsection, a cat shall not be deemed as running at large if such cat is in its kennel, pen, within a yard utilizing an electronic pet containment system, or leashed by such cat's owner, custodian, possessor or harbinger.
- C. Any cat found running at large contrary to the provisions of this section may be impounded and disposed of in accordance with the procedures outlined in this chapter.

**§ 3.6.7 Number of cats per property.**

- A. No more than five (5) cats over the age of eight (8) weeks shall be permitted in any dwelling unit as that term is defined in the City of Seaford Zoning Ordinance.

**§ 3.6.8 through § 3.6.99 RESERVED**

*END OF CHAPTER*