

3-9

AN ORDINANCE REGULATING THE KEEPING  
AND MAINTAINING OF ANIMALS WITHIN  
THE TOWN OF GREENWOOD, CREATING  
EXCEPTIONS THEREFROM AND PROVIDING  
PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED by the Town Council of The Town of Greenwood, in  
Council met, in the manner following, to wit:

**ARTICLE I. GENERAL PROVISIONS.**

**Section 1. Definitions.**

For the purpose of this Ordinance, the following definitions shall be applicable  
unless the context clearly indicates to the contrary:

(a) **Animal** shall mean and include any and all types of animals, domestic  
and wild, male and female.

(b) **Dog** shall mean either a male or female canine.

(c) **Animal Control Officer** shall mean the person appointed by the  
President of the Town Council to enforce any animal control laws or regulations.

(d) **Owner** shall mean any person owning, keeping or harboring a dog or cat.

(e) **Running at large** shall mean wandering, roving or rambling at will  
unrestrained off the premises of the owner and not under the control of a human  
being by use of a leash.

(f) **Leash** shall mean a cord, leash or chain not to exceed eight (8) feet in  
length.

(g) **Person** shall mean and include any natural person, an individual,  
partnership, voluntary association, society, club, firm, corporation, business trust, or

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any other group acting as a unit or the lessee, agent, servant, partner, member, director, officer, or employee, or any of them.

(h) **Street** shall mean and include all streets, avenues, highways, boulevards, parkways, roads, lanes, bridges, alleys, and the approaches thereto, docks built for use of the public, curbs, sidewalks, recreation and park lands used for vehicular traffic or other public ways or thoroughfares in the Town over which the Town has jurisdiction.

(i) **Public Place** shall mean and include any park, lake, stream, stadium, athletic field, playground, school yard, street, avenue, plaza, square, cemetery, or any other place commonly opened to the public.

**Section 2. Enforcement of Chapter.**

The Animal Control Officer and the Police Department of the Town shall enforce the provisions of this Ordinance.

**Section 3. Appointment of Animal Control Officer.**

The President of Town Council, with the approval of a majority of the Commissioners, shall appoint a suitable person to act as Animal Control Officer. Any person appointed to act as Animal Control Officer shall serve at the pleasure of the President of Town Council.

**Section 4. Animals Running at Large.**

(a) No person shall keep or maintain any cow, goat, sheep, hog, horse or other animal or fowl of any sort upon any premises within the limits of the Town unless such animal shall be maintained in an enclosure or other fasten device from which it cannot escape.

(b) Nothing contained in this Section shall be construed to deny to such person, the privilege of permitting such animal or fowl to be at large under the immediate supervision and control of its owner.

**Section 5. Housing Conditions of Animals.**

No person shall keep or maintain any cows, goats, sheep, hogs, horses or other animals of any sort upon any premises within the limits of the Town in unsanitary quarters, so as to create noxious or offensive odors or so as to unduly attract flies, mosquitoes, rats, mice or other insects or vermin.

**Section 6. Noisy Animals.**

No person shall keep any animal which causes frequent or long continued noise so as to disturb the comfort or repose of any person in the vicinity. Any violation of this Section is declared to be a common and public nuisance and as such may be abated.

**ARTICLE 2. DOGS.**

**Section 7. Dog License Required.**

No resident of this Town shall own or have control of any dog over four (4) months of age unless it be duly licensed in pursuant of the laws of the State of Delaware. Anyone who violates this Section shall be deemed guilty of a misdemeanor and upon conviction in a court of competent jurisdiction shall be fined not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) and shall pay the costs of prosecution.

**Section 8. License Tag.**

No person shall have own or have control of any dog over four (4) months of age unless a license tag is worn at all times by the dog in the manner provided by the laws of the State of Delaware.

**Section 9. Harboring or holding for reward of strayed or stolen dogs; exceptions.**

No person shall harbor or hold for reward a dog which has strayed upon his premises or which has been picked up on a public street, highway or other public place unaccompanied by its owner or other person or which has been stolen from its owner.

**Section 10. Regulations concerning vicious dogs.**

(a) Any dog which habitually [two (2) or more times] bits or injures any human being or habitually [two (2) or more times] attacks, bites or injures other dogs or animals or which has a known propensity to attack or bite human beings or animals is hereby defined to be a vicious dog and a common and public nuisance for the purpose of this Ordinance.

(b) It shall be the duty of the Animal Control Officer, the Chief of Police, or any member of the Police Department to receive and investigate complaints against dogs. Whenever any dog complained against shall be deemed by the above officers to be a possibly vicious dog, the officer shall report the facts to the President of the Town Council and the Chief of Police.

(c) The President of the Town Council shall cause the owner or person harboring the dog, deemed to be possibly vicious, to be notified in writing of the complaint against the dog. The notice shall state the time and place of the hearing

before the Town Council, the hearing to be not less than ten (10) days following receipt of the notice.

(1) The Town Council at the time set for the hearing shall inquire into the facts and give all interested persons an opportunity to be heard, under oath, and to be represented by counsel.

(2) The Town Council shall decide in accordance with the evidence before it, and if the Town Council decides the dog complained of is in fact a vicious dog, as defined in Subsection (a), a copy of the decision shall be given to the owner or person harboring the dog.

(d) No dog which has been determined to be a vicious dog shall be permitted to run at large or be upon any street or public place, except while securely confined by an adequate leash and humanely muzzled so that it shall be impossible for it to tear or otherwise wound with its teeth any human being or animal, and shall be in the charge of a responsible person.

(e) The Police Department shall keep a record of all vicious dogs.

(f) Any person who violates any provision of this ARTICLE shall be deemed guilty of a misdemeanor and upon conviction in a court of competent jurisdiction shall be fined not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) and shall pay the costs of prosecution.

**Section 11. Injuring or slaying dogs prohibited; exceptions.**

No person, except a police officer or a Game Warden in the performance of his duties, shall place any poison of any description in any place where it may be easily

found and eaten by dogs, or kill, injure or poison any licensed dog or attempt to do so within the Town, except in the case of a dog attacking a human being.

**Section 12. Dangerous dog may be slain.**

If any dangerous, fierce or vicious dog shall be found running at large and cannot be taken up or tranquilized and impounded, such dog may be slain by any police officer or the Animal Control Officer authorized to perform any duty under this Ordinance.

**Section 13. Female dogs in heat.**

Female dogs in heat found running at large shall be seized and impounded and shall not be released except on approval of the Animal Control Officer and payment of a penalty of Twenty-Five Dollars (\$25.00), in addition to the fees provided in Section 18 hereof.

**Section 14. Injury to Property; Nuisances.**

(a) It shall be unlawful for any person owning, controlling or possessing a dog to permit such dog to go upon any street or upon any private property without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever or to urinate or defecate thereon.

(b) It shall be unlawful for any person to cause or permit a dog to be on property, public or private, not owned or possessed by such person unless such person has in his immediate possession an appropriate device for scooping excrement and an

appropriate depository for the transmission of such excrement to a receptacle located upon the property owned or possessed by such person.

(c) The provisions of this Section shall not be applicable to any dog performing some act or function on behalf of any law enforcement agency or branch of the armed forces of the United States nor to any Seeing Eye dog being handled by a person who is legally blind.

(d) Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and, upon conviction thereof in a court of competent jurisdiction shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00) and shall pay the costs of prosecution.

### **ARTICLE 3. IMPOUNDMENT OF DOGS.**

#### **Section 15. Dogs Running at Large Prohibited.**

(a) No owner of any dog shall permit any dog owned or maintained by him to run at large within the corporate limits of the Town.

(b) Any person who is the owner, custodian or has the control of any dog within the Town at all times of each day shall keep such dog either:

- (1) Confined within an enclosure from which it cannot escape;
- (2) Firmly secured by means of a collar, chain or other device so that it cannot stray from the premises on which it is secured; or
- (3) Firmly secured by a leash whenever the dog is off the premises of its owner so that the dog cannot stray from his control and such person shall carry

and use a bag or other device to pick up and remove any excrement which said dog shall drop.

(4) Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00) and shall pay the costs of prosecution.

**Section 16. Authority to impound; records.**

(a) Each police officer and the Animal Control Officer shall apprehend any dog running at large contrary to the provisions of this Article.

(b) The police officer or Animal Control Officer who apprehends and impounds a dog shall keep a record of each dog apprehended and impounded. The record, as kept and maintained by the police officer and the Animal Control Officer, shall include for each dog apprehended and impounded the time, date and place of apprehending and impounding, the breed, if ascertainable, the color, the sex, the number of the state dog tag, if any, the final disposition and the date of disposition.

(c) A compilation of the records of the Animal Control Officer setting the information required shall be maintained.

**Section 17. Notice of Impounding; contents.**

The Animal Control Officer shall give notice to the owner, if ascertainable, by registered mail, with return receipt requested, within seventy-two (72) hours from the time that the dog is apprehended and impounded. Such notice shall contain the information, or so much of it as is applicable, as is required to be kept and maintained

by the Animal Control Officer pursuant to Section 16. The police officer and the Animal Control Officer shall post or cause to be posted in the Town Hall, within seventy-two (72) hours following the time of apprehending and impounding, a notice of the apprehending and the impounding of each dog. The notice shall contain the information, or so much of it as is applicable, as is required to be kept and maintained by the Animal Control Officer in accordance with Section 16.

**Section 18. Reclaiming impounded dogs; fee.**

The owner of any dog apprehended and impounded by the Animal Control Officer may reclaim the dog upon the payment of any fine, any penalty, and any court costs imposed for any violation in addition to a charge of Two Dollars and Fifty Cents (\$2.50) per day from the date of apprehension and impounding as the cost of keeping and maintaining the dog.

**Section 19. Disposition of unclaimed dogs.**

Any dog apprehended and impounded by any police officer or Animal Control Officer in accordance with the provisions of this Ordinance may, if not reclaimed by the owner following the expiration of five (5) days from the date of receipt of the registered mail and notice by the owner or from the date of the posting of the notice in the Town Hall, be turned over and released to the State Dog Warden for disposition in accordance with the provisions of the Game and Fish Laws and Regulations, or the Animal Control Officer may release the dog to a person other than the owner upon the payment of the charge imposed for keeping and maintaining the

dog. Any dog 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 destroyed without the necessity of giving any notice.

**Section 20. Delivery of Impounded Dog to State Officials.**

Any dog found running at large contrary to the provisions of this Article may be delivered to the Board of Game and Fish Commissioners of the State of Delaware, or any agent thereof, for impounding and disposal under the rules and regulations adopted by it.

**ARTICLE 4. RABIES CONTROL.**

**Section 21. Dogs and Cats to be Immunized Against Rabies.**

(a) It shall be the duty of every resident of the Town owning or possessing a dog or cat over the age of four (4) months to have the animal inoculated with an anti-rabic vaccine by a licensed veterinarian. The expense of inoculation shall be borne by the owner of such animal.

(b) Nonresidents of the Town possessing a dog or cat within the Town for more than seven (7) days not necessarily consecutive in any calendar year shall have the animal inoculated with an anti-rabic vaccine unless such nonresident is able to produce a certificate of vaccination from a licensed veterinarian for the animal.

(c) Any person who violates this Section shall be deemed guilty of a misdemeanor and upon conviction in a court of competent jurisdiction shall be fined not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) and shall pay the costs of prosecution.

**Section 22. Examination of Biting Dog or Cat to Determine Rabies.**

(a) Whenever it has been reported that a dog or cat has bitten any person, the animal shall be confined at a place selected by the Animal Control Officer and placed under the observation of a veterinarian, at the owner's expense, for a period of ten (10) days, to determine whether the animal has rabies. The veterinarian shall make at least two (2) examinations of the animal the first at the time it is placed under his care and the next ten (10) days thereafter.

(b) The owner of such animal, at the end of the examination period, shall present to the Animal Control Officer, on forms furnished by him, the findings of the veterinarian. The form shall be signed by the veterinarian.

(c) If the animal is found to be suffering from rabies, it shall be destroyed forthwith. If the owner of an animal which has bitten or mutilated any person refuses to surrender it, the Animal Control Officer or his agents may lawfully enter upon any premises where the animal is located and may seize and impound the animal for the purposes of this Section.

**Section 23. 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) days after the animal has attacked or bitten the person.

**Section 24. Examination of animals by either police, or Animal Control Officer.**

Either the 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, with a period of ten (10) days after the animal has attacked or bitten a person, to determine whether the animal shows symptoms of rabies.

**Section 25. 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 police or Animal Control Officer 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 police or Animal Control Officer and provide the same information as set out in Subsection (a).

**Section 26. Confining Animals to Prevent Spread of Rabies.**

(a) Whenever either the police or Animal Control Officer has reason to believe that there is danger that rabies may spread within the Town, such officials shall serve a notice in writing upon all persons owning or having charge of any animal requiring such animal to be confined or, the above authorities, in lieu of serving such notice in writing may cause a notice to be published in an official newspaper of general circulation in the Town.

(b) Other animals may be included in the order whenever, in the opinion of the Town Council it is necessary.

(c) Whenever the State Department of Health has knowledge that any case of rabies exists among dogs, cats 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 police or Animal Control Officer 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.

**Section 27. Permit to Release Animals.**

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

ADOPTED: 11/10/93