

First Reading: July 12, 2023
Second Reading: Aug. 23, 2023
Adopted: Aug. 23, 2023

GREENWOOD ORDINANCE NO. A-9-A

AN ORDINANCE AMENDING ORDINANCE A-9 REGULATING THE KEEPING AND MAINTAINING OF ANIMALS WITHIN THE TOWN OF GREENWOOD, CREATING EXCEPTIONS THEREFROM, AND PENALTIES FOR VIOLATION THEREOF.

WHEREAS, Section 29(a)(2) of the Greenwood Town Charter authorizes the Town to “provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants”;

WHEREAS, Ordinance A-9 regulates the keeping and maintaining of animals within the Town of Greenwood, creating exceptions therefrom, and providing penalties for violations thereof;

WHEREAS, since the adoption of Ordinance A-9, the State of Delaware has enacted legislation regarding the regulation of the keeping and maintaining of animals;

WHEREAS, in the opinion of the Town Council, it is in the best interest of the public health, safety, and welfare to repeal in its entirety and replace said Ordinance A-9 as set forth herein; and

NOW THEREFORE, be it hereby enacted by the Town Council of the Town of Greenwood, a majority thereof concurring in Council duly met, that Ordinance A-9 “An Ordinance regulating the keeping and maintaining of animals within the Town of Greenwood, creating exceptions therefrom, and providing penalties for violations thereof” is hereby repealed in its entirety and replaced thereof with the following, to wit:

“ORDINANCE A-9-A: AN ORDINANCE AMENDING ORDINANCE A-9 REGULATING THE KEEPING AND MAINTAINING OF ANIMALS WITHIN THE TOWN OF GREENWOOD, CREATING EXCEPTIONS THEREFROM, AND PENALTIES FOR VIOLATION THEREOF.

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 — Dog, cat, and any species of mammals except human beings.
- b. ANIMAL CONTROL AGENCY — An agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

- c. CAREGIVER — A person who provides shelter, medical care, or food to feral or free-roaming cats, lacking discernible owner identification, and works to reduce their numbers by working to spay and neuter the animals. Free-roaming cat caregivers are not owners.
- d. FERAL CAT — A cat that (i) is born in the wild or is the offspring of an owned or feral cat and is not socialized, (ii) is a formerly owned cat that has been abandoned and is no longer socialized, or (iii) lives on a farm. Feral cats may have a temperament of extreme fear and resistance to contact with humans.
- e. DOG – Either a male or female canine.
- f. HORSE-DRAWN VEHICLE — A carriage, wagon, cart, sled or sleigh or other device drawn by horses which has a passenger carrying capacity.
- g. LEASH – A cord, leash, or chain not to exceed eight (8) feet in length.
- h. OWNER — The person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of an animal.
- i. PERSON – Includes any natural person, an individual, partnership, voluntary association, society, club, firm, corporation, business trust, or any other group acting as a unit or the lessee, agent, servant, partner, member, director, officer, or employee, or any of them.
- j. PUBLIC PLACE – Any park, lake, stream, stadium, athletic field, playground, school yard, street, avenue, plaza, square, cemetery, or any other place commonly opened to the public.
- k. STREET – 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.
- l. TRAP-NEUTER RETURN (TNR) PROGRAM — A program in which healthy, feral, semi-feral, or free roaming cats lacking discernible owner identification are sterilized, vaccinated against rabies, ear-tipped and returned to a safe location near or where they were found.

Section 2. Control of Dogs, Cats, and Other Animals.

- a. **Dogs running at large; exceptions.** Dogs shall be maintained in accordance with the 16 Del. C. § 3048F (Dogs Running At Large), as may be amended subject to the following exceptions:
 1. Such restriction shall not apply to dogs owned by the Greenwood Police Department or any other law enforcement agency and which dogs are maintained as Police K-9 units while under the custody and control of the dog's trainer or handler.
- b. **Dog License Required.** The owner or lawful possessor of any dog shall obtain a license for said dog pursuant to 16 Del. C. § 3042F (Fees for Dog Licenses), as may be amended.
- c. **Leash required; exceptions.**
 1. Except as otherwise provided, no animal shall be permitted in or upon any public street, sidewalk, alley, park, parkway or other public place in the Town or in or upon any property belonging to said Town unless said animal is on a leash and is under the complete control of the person owning or, at the time, in possession of said animal.
 2. This leash requirement shall not apply to cats.
 3. Notwithstanding anything in this Ordinance to the contrary, no person shall be compelled to keep any animal in his possession on a leash while in or upon any public street, alley, parkway or other public place in the Town if, at the time, said animal is securely confined in an automobile provided that the animal is safe and its welfare is not endangered by such confinement in accordance with Delaware State Code Title 11, Chapter 5, Subchapter VII, Cruelty to Animals, as may be amended.
- d. **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, in addition to the penalties set forth in this Ordinance, is declared to be a nuisance and as such may be abated.
- e. **Authorization for Animal Control Official.** This Ordinance shall be enforced by an Animal Control Agency or an Animal Control Official.
- f. **Right of entry by Animal Control Official or designee; impoundment.** Upon presentation of proper credentials, an Animal Control Official, a Town of Greenwood Code Official, or Greenwood Police Officer may enter upon the yards of private property in order to enforce the provisions of this Ordinance. The Animal Control Official or duly authorized representative(s) may impound all animals over the age of six months that are untagged, as provided for in this Ordinance, 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.

- g. **Redemption of impounded animals; costs.** The owner of any dog apprehended and impounded by the Animal Control Official may reclaim said dog upon the payment of any fine and cost imposed for any violation of this chapter, or the Delaware State Code, in accordance with Delaware State Code Title 16 Chapter 30F. Animal Welfare, as may be amended.
- h. **Obstruction of Animal Control Agency / Official.** No person shall willfully oppose, restrict, delay or obstruct the Animal Control Officer in the discharge or attempt to discharge or perform any act or duty authorized or prescribed herein.
- i. **Violations and penalties.** Unless otherwise established herein, the following fines and penalties shall apply to this Ordinance:

 - 1. Any person found guilty of violating the provision of this article shall forfeit to the Town of Greenwood a fine of not less than \$25 but not more than \$300, plus the costs of prosecution.

Section 3. Prohibited Animals.

- a. **Keeping or slaughtering of certain animals within Town limits.** No person shall keep or slaughter any swine, cow, bull, sheep, goat, or like animal or other farm animal within the Town of Greenwood unless in conformity with the Greenwood Zoning Code, and properly licensed and inspected by the appropriate state agencies. Chicken and other small fowl are permitted to be kept and maintained in a clean enclosure.
- b. **Exception for parade animals.** Animals used in parades where a Town of Greenwood parade permit has been issued are exempt from the provisions of this Ordinance.
- c. **Violations and penalties.** Any person found guilty of violating the provision of this article shall forfeit to the Town of Greenwood a fine of not less than \$100 but not more than \$500, plus the costs of prosecution.

Section 4. Horse-Drawn Vehicles

- a. **Conditions and restrictions.** The provisions of this Ordinance shall not be applicable to any person who brings into the City a horse for the purpose of providing transportation in horse-drawn vehicles carrying passengers on a fixed route under the following terms and conditions:

 - 1. Each route shall be approved by the Town Manager which may be approved or denied by the Town Manager. Any decision by the Town Manager concerning a horse-drawn vehicle may be appealed to the Town Council no later than 30 days after the decision was issued.

2. The horse shall not be kept or maintained within the corporate limits of the Town of Greenwood when not being used for the purpose of providing transportation.
3. Horse-drawn vehicles are prohibited from all other streets and areas within the Town of Greenwood unless specifically approved by the Town Manager for providing point-to-point transportation for special events, including but not limited to weddings, theatrical performances and funerals.
4. Owners and operators of horse-drawn vehicles are responsible for cleanup after the horses.
5. No person shall drive or operate a horse-drawn vehicle on any day or at any time that the Town Manager makes a specific determination that it would be inconsistent with other special events or public safety requirements.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its adoption by the Town Council.

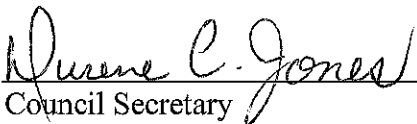
Synopsis


This Ordinance repeals and replaces Ordinance A-9 to amend the regulations for keeping and maintaining animals within the Town of Greenwood. Section 1 of this Ordinance establishes new definitions. Section 2 identifies illegal behaviors related to the keeping and maintaining of animals and sets forth enforcement rights including the imposition of fines. Section 3 outlines prohibited animals. Section 4 sets forth guidelines for horse-drawn carriages.

This shall certify that this is a true and correct copy of Ordinance A-9-A duly adopted by the Town Council of the Town of Greenwood at a duly-noticed and convened meeting at which a quorum was present on August 23, 2023.

So certifies:

Attest:


Council Secretary


Mayor