

Town of Camden

P.O. DRAWER 1002
CAMDEN, DELAWARE 19934

Mayor Robert A. Mooney
Town Manager Donald H. Mulrine, Jr.

Ordinance #2008-O-04

“An Ordinance Establishing the Regulations Pertaining to Animals within the Corporate Limits of the Town of Camden”

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Section 1. Definitions

As used in this chapter, unless the context otherwise clearly indicates, the following terms shall mean as indicated below:

Animal: Shall include every living dumb creature and shall include birds and fowl.

Animal Abandonment: Includes completely forsaking or deserting an animal originally under one's custody without making reasonable arrangements for custody of that animal to be assumed by another person.

Animal Control Officer: A person employed and or contracted by the Town of Camden as an enforcement officer, including sworn police officers.

Animal Shelter or Veterinary Facility: Any premises so designated by the Town of Camden for the purpose of impounding and caring for strays, animals found running at large, or animals in violation of the chapter.

At-Large: An animal off the premises of the owner and not under the restraint of a human being either by leash, cord, chain or otherwise.

Cruel: Includes every act or omission to act whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted.

Custody: Includes the responsibility for the welfare of an animal subject to one's care and control whether he owns it or not.

Dog: Means either male or female. State law references dogs generally, 7 Del. C. 1701, et seq; state dog and kennel licenses, 7 Del. C 1701 (a).

Domesticated Animal: Any animal that is accustomed to living in or about the habitation of man, including, but not limited to cats, dogs, cows, horses, swine, and fowl.

Food and Drink: Includes providing each animal with daily food and water of sufficient quality and quantity to prevent unnecessary or unjustifiable physical pain or suffering by the animal.

Owner: Any person, partnership, association, or corporation owning, keeping or harboring a dog or other animal. Any animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.

Property: Real and personal property shall include, but is not limited to, shrubbery, grass, flowers and other plants.

Public Nuisance Animal: Any domestic animal or group of domestic animals which:

- (a) Is repeatedly found at large; or
- (b) Damages the property of anyone other than its owner; or
- (c) To annoy, interfere with, or meddle with so as to trouble, alarm, or harm, or with intent to trouble, alarm, or harm passerbys or chases passing vehicles or bicycles; or
- (d) Barks, whines or howls in an excessive, continuous or untimely fashion; or
- (e) Creates an odor which is noxious or offensive, and/or which constitutes a substantial annoyance, inconvenience or injury to the public; or
- (f) Interferes with the health, comfort, safety or enjoyment of property; offends the sense of decency of the public as a result of unsanitary conditions in the area where such animals are kept; and/or which creates a danger to the public health as determined by the Division of Public Health.

Restraint: A dog or other animal is under "restraint" within the meaning of this Ordinance if it is controlled by a leash, cord, chain, or under the control of an owner or other responsible

persons and obedient to that person's commands, or within a vehicle being driven or parked on the street, or within the property limits of its owner or keeper.

Shelter: Includes providing each animal with adequate shelter from the weather elements as required to prevent unnecessary or unjustifiable physical pain or suffering by the animal.

Stray: A domesticated animal for which ownership is not established or for which owner disclaims future responsibility.

Vicious Dog or Animal: Any animal which constitutes a physical threat to a human being or other animal by virtue of attacks of such number and/or severity as to be likely to cause property damage or physical injury. Evidence of a prior instance of an animal biting a human being, without provocation, shall be prima facie evidence that the animal is vicious. Any dog on private property enclosed by a fence or restrained by a chain or similar device shall be excluded from the definition of "vicious dog" for the purposes of this section.

Wild Animal: Any live monkey (nonhuman primate), raccoon, skunk, fox, snake or reptile, not indigenous to Delaware, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal which can normally be found in the wild state.

Section 2. Appointment of Animal Control Officer.

The Police Chief may appoint persons to act as animal control officer(s).

Section 3. Keeping of Swine.

It shall be unlawful and a nuisance for any person to keep any swine or to erect any pen, pig-sty, or other building or enclosure, for the keeping of swine. The Town of Camden shall not issue any permit which shall allow the keeping of swine or the erecting of any structure for keeping swine in an area of the town that has been subdivided.

Section 4. Keeping of Wild Animals

It shall be unlawful and a nuisance for any person to keep any wild animal in the Town of Camden. The Town of Camden shall not issue any permit which shall allow the keeping of wild animals in the town.

Section 5. Running At-Large.

- (a) It shall be unlawful for any person to permit any animal to run at-large.
- (b) The owner of any female dog in heat shall keep such dog at all times while in heat, confined within an enclosure from which it cannot escape.
- (c) It shall be the duty of every police officer and animal control officer to apprehend any dog found running at-large contrary to the provisions of this section and to impound it.

Such person shall make a record of the breed, color and sex of the dog and the number of its license tag, if any. A compilation of the records of all dogs caught and impounded shall be maintained at the police station. Should any police officer or animal control officer be unable, after using reasonable and diligent efforts, to apprehend such animal, he may destroy it.

- (d) Any citizen of the town may take up any animal found running at-large and deliver it to an animal control officer or police officer, or other authorized person, to be impounded.
- (e) It shall be the duty of the animal control officer or police officer or other person taking or impounding any animal to notify the owner, if known, not more than 24 hours after the impoundment, either personally or by a written notice left at his usual place of abode. If unknown, a notice of impoundment of such dog, describing the dog and the place and time of taking shall be posted at the police station.

Section 6. License Required for Dogs.

- (a) The owner or lawful possessor of any dog shall obtain a license for his dog pursuant to 7 Del. C. Section 1701 and any owner or possessor who shall fail to comply with the provision of the laws of Delaware shall be punishable as provided in Section 16 (a) of the Camden Code.
- (b) The provisions of this section shall be applicable to any dog not licensed pursuant to subsection (a).
- (c) The provisions of this section may be enforced by any police officer or by any person designated to act as an animal control officer.

Section 7. Noisy Animals or Fowl.

- (a) No person shall keep or maintain any animal or fowl which by frequent, habitual, or long-continued barking, whining or howling, or long continued noise which disturbs any person or neighborhood and such action is hereby declared to be a public nuisance and detrimental to the public health and welfare.
- (b) Any person or neighborhood so disturbed may advise the owner who keeps such noisy animal. If the nuisance is then not abated, any person so disturbed shall then give notice of the facts to the police or animal control officer, and the police or animal control officer shall then visit the owner and advise such owner of the facts and of the provisions of this section and the penalties for violation.
- (c) Any owner who keeps such a dog or animal and who is so notified as described in subsection (b) of this section and who then fails to abate the nuisance after being notified by the police or animal control officer shall be prosecuted as provided in Section 16 (b). Each day in which Section 6 (a) of this section is violated it shall constitute a separate offense.

Section 8. Hitching to Public Trees.

It shall be unlawful and a nuisance for any person to hitch or fasten any animal to any public ornamental or shade tree. Any police officer or other authorized person may impound such animal.

Section 9. Animal Excrement.

- (a) No person having possession, custody or control of any animal shall knowingly or negligently permit any dog or other animal to deposit excrement upon any gutter, street, driveway, alley, curb, or sidewalk in the Town, or upon the floors or stairways of any building or place frequented by the public or used in common by the tenants, or upon the outside wall, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street or park, or upon any private property other than the property of the owner of such animal.
- (b) Any person having possession, custody or control of any dog or other animal which deposits excrement in any area other than private property of the owner of such dog or other animal, as provided in Section Section 8 (a), shall be required to immediately remove the said excrement from the surface and either:
 - (1) Carry the same away for disposal in a toilet; or
 - (2) Place same in a non-leaking container for deposit in a trash or litter receptacle.
- (c) Exceptions. The provisions of this section shall not apply to a guide dog accompanying any blind persons, or to a dog used to assist any other physically handicapped person, or the animals used in any police activities of the city or to horses used by persons for the purposes of transportation on public roadways. Horses on private property other than the owner's must have their droppings removed by the owner.
- (d) Enforcement. For the purpose of enforcing the provisions of this section, notice of violation shall be issued by police officers or any other person authorized to enforce ordinances, within the Town of Camden.
- (e) If the excrement is properly disposed of by the owner or person in charge of the animal, it will not be considered a violation of Section Section 9 (a).
- (f) Every owner of, or person responsible for, one or more dogs or cats shall take all reasonable measures to prevent accumulation or animal excreta in the area in which such animals are customarily kept. No such owner shall allow animal excreta to accumulate so as to create obnoxious or offensive odors.

Section 10. Vicious Dog and Animals.

- (a) The following shall constitute a vicious dog or animal:
 - (1) Any dog or animal which when unprovoked in a vicious or terrorizing manner approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or
 - (2) Any dog or animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
 - (3) Any dog or animal which bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal without provocation on public or private property; or
 - (4) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any trained for dog fighting; or
- (b) Notwithstanding the definitions of a vicious dog or animal, no dog or animal may be declared vicious if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was committing or attempting to commit a crime.
- (c) No dog or animal may be declared vicious if any injury or damage was sustained by a domestic animal which, at the time such injury or damage was sustained, was teasing, tormenting, abusing, or assaulting the dog or animal. No dog or animal may be declared vicious if the dog or animal was protecting or defending a human being within the immediate vicinity of the dog or animal from an unjustified attack or assault.
- (d) Any vicious domestic animal, any wild animal, or any sick or injured animal, other than a dog carrying a license tag, may be destroyed immediately after impounding. Any other animal shall be held for three (3) days, except that dogs carrying a current license tag shall be held for five (5) days.
- (e) Destruction for public safety or humane reasons: When in the judgment of the animal control agency or any law enforcement officer, it is determined that any animal should be destroyed for humane reasons, or to protect the public from imminent danger to persons or property, such animal may be destroyed without regard to any time limitations otherwise established herein.

Section 11. Seizure and Impoundment of Dangerous or Vicious Dogs or Animals.

- (a) When a person has been bitten by a vicious dog or animal, the person or parent, guardian or person standing in loco parentis of the person, and the person owning the

animal or in control or possession of the animal shall notify the Camden Police Department immediately and give the name and address of the person bitten and the owner of the animal along with a description of the animal. All animals that bite a person shall be immediately confined for ten (10) days in a Town of Camden approved animal shelter or veterinary facility at the expense of the owner.

- (b) Confinement of a dog which has bitten a person may not be required provided the owner or person who controls or possesses such dog can present a veterinarian's certificate of current rabies immunization.
- (c) Any dangerous or vicious animal may be impounded by the animal control officer or police officer to protect the public safety. Said impoundment will be a town approved animal shelter or veterinary facility at the owner's expense. No dangerous or vicious animal will be returned to the owner unless said animal is confined by the owner within a building or secured enclosure and shall be securely muzzled or caged whenever off the premises of its owner. Every person harboring a vicious animal, vicious dog or a wild animal is charged with an affirmative duty to confine said animal in such a way that the public does not have access to such animal.

Section 12. Abandoning Domesticated Animals in a Public Place or on Property of Another.

No person shall abandon any dog, cat, or domesticated animal in any public place, including right-of-way of any public highway, road or street, or on the property of another.

Section 13. Cruelty to Animals.

No person shall:

- (a) Override, torture, ill-treat, abandon, willfully inflict inhumane injury or pain not connected with bona fide scientific or medical experimentation to, or cruelly or unnecessarily beat, maim, mutilate, or kill any animal, whether belonging to himself or another.
- (b) Deprive any animal of necessary sustenance, food, drink, or shelter.
- (c) Willfully set on foot, instigate, engage, or in any way further any act of cruelty to any animal.
- (d) Carry or cause to be carried in or upon any vehicle or vessel or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering.
- (e) Cause any of the above or, being the owner of an animal, permit such acts to be done by another.
- (f) The streets and public alleys of the town shall not be used for the deposit of dead animals of any sort, nor shall such dead animals be left on streets or public alleys of the

town, or on private property within the town, or in vehicles, trucks or conveyances standing on the streets, or any premises within the limits of the town.

Section 14. Feeding of Strays and Wild Animals

It shall be unlawful for the feeding of any animals both stray and/or wild, in the corporate limits of the Town of Camden, with the exception of bird feeders or similar type of feeding containers for small flying animals.

Section 15. Public Nuisance Animals.

A reasonable attempt shall be made to notify the owner of any animal suspected of constituting a public nuisance.

Every public nuisance animal shall, upon demand, be delivered to the animal control officer or police officer. It shall be unlawful for the owner of a public nuisance animal to refuse to surrender such animal to the animal control officer or police officer. Such refusal is punishable by a fine of fifty dollars (\$50.00).

A public nuisance animal which has been impounded by the animal control officer or police officer may be redeemed by the owner only upon the conditions established in this chapter. Any animal found unredeemable shall be disposed of in a humane manner. Impoundment of said animal is at the owner's expense.

Section 16. Impoundment of Dogs At-Large and Nuisance Animals.

Dogs at-large and nuisance animals may be taken by a animal control officer or police officer and impounded in an animal shelter or veterinary facility at the owner's expense. At the discretion of the animal control officer or police officer, such dog or animal may be left in the custody of its owner and said owner issued a summons for violation of this Chapter.

Not more than 24 hours after the impoundment of any dog, the owner thereof, if known or ascertainable from the state license records or other means, shall be notified. If owner can not be located, a notice of the impoundment of such dog, describing the dog and the place and time of taking, shall be posted at the police station.

Any owner whose dog is impounded for a violation of this section by such owner, may redeem the dog within 48 hours of paying to the town at the Town Hall or animal control facility, a charge of \$100.00 (one hundred) to defray the cost of impounding thereof, plus the kennel charge for keeping and maintaining the dog.

All dogs impounded pursuant to this article shall be kept for a period of six (6) days. If, at the expiration of the six days from the date of notice to the owner of posting such dog has not been redeemed, it may be destroyed. Any dog that appears to be suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous disease shall not be released, but may be forthwith destroyed.

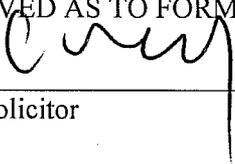
Section 17. Fines.

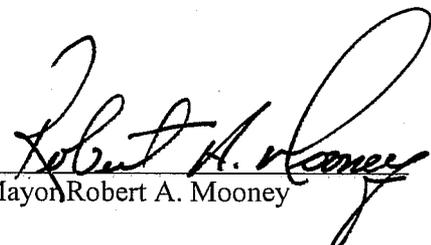
Any person convicted of a violation of this Chapter shall pay a mandatory and non-suspendable fine of at least the minimum fine for each offense as follows:

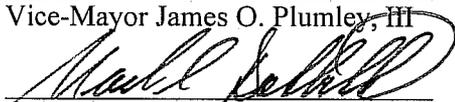
- (a) Any person convicted of violating the provisions of Section 5, Section 6 and Section 8 of this Chapter shall be sentenced to pay a fine not less than \$50.00 (fifty) nor more than \$125.00 (one hundred twenty-five) and for subsequent offenses, shall pay a fine not less than \$50.00 (fifty) nor more than \$100.00 (one hundred).
- (b) Any person convicted of violating the provisions of Section 3, Section 4, Section 7, Section 9, Section 10, Section 12, Section 13, Section 14 and 15 of this Chapter shall be sentenced to pay a fine of not less than \$100.00 (one hundred) nor more than \$150.00 (one hundred fifty), and for subsequent offenses, shall pay a fine not less than \$100.00 (one hundred) nor more than \$250.00 (two hundred fifty).
- (c) Any person convicted of violating the provisions of Section 14, whether resident, commercial owner or renter, shall be sentenced to pay a fine at the highest permissible fee for each offense.

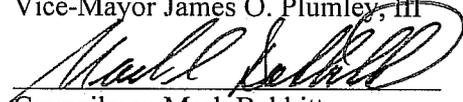
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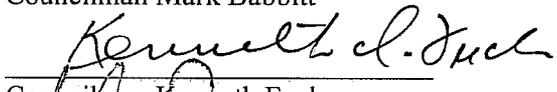
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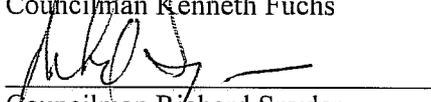

Town Solicitor


Mayor Robert A. Mooney

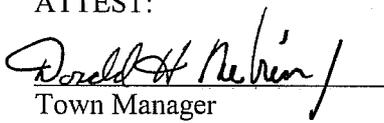

Vice-Mayor James O. Plumley, III


Councilman Mark Babbitt


Councilman Kenneth Fuchs


Councilman Richard Snyder

ATTEST:


Town Manager

1st Reading: April 7, 2008
2nd Reading: May 5, 2008
Public Hearing: MAY 5, 2008
Adopted: MAY 5, 2008