

## TOWN OF FREDERICA ORDINANCE NO. 22-09

### AN ORDINANCE AMENDING CHAPTER 82-1 and 82-3 RELATING TO ANIMALS

BE IT ORDANIED BY THE MAYOR AND COUNCIL OF THE TOWN OF FREDERICA IN COUNCIL MET:

**Section 1.** That Chapter 82-1 and 82-3, of the Frederica Code of Ordinances shall be amended to read as follows:

#### **Sec. 82-1. Definitions.**

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

**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.

**At-Large** – an animal off the premises of the owner and not under the control of a human being, either by leash, cord, chain, rope, or other means of physical restraint.

**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/she owns it or not.

**Owner** – means any person, firm, association, or corporation owning, keeping, harboring, or entrusted to keeping an animal.

**Public Nuisance Animal** – any animal or group of animals which: is repeatedly found at-large; damages property of anyone other than its owner; molests passersby or chases passing vehicles or bicycles; barks, whines, or howls in an excessive, continuous, or untimely fashion; creates an odor which is noxious or offensive, and/or which constitutes a substantial annoyance, inconvenience, or

injury to the public; or 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.

Property – includes real and personal property including, but not limited to, shrubbery, grass, flowers, and other plants.

Vicious Animal – any animal that attacks, snaps at, attempts to bite, or bites a person or other animal upon the streets, sidewalks, or in any public or private place; provided that any animal on private property enclosed by a fence or restrained by a chain or other similar device shall be excluded from this definition for the purposes of this Ordinance. Evidence of a prior instance of an animal biting a human being, without provocation, shall be prima facie evidence that the animal is vicious.

**Sec. 82-3. Running at large prohibited.**

- A. No animal shall be permitted to run at large within the Town at any time. The owner of any animal within the Town shall keep the same securely upon his/her own premises or under the control of the owner or some other person by means of leash, cord, chain, rope, fence, or some other means of physical restraint.
- 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.

**Section 2.** Severability. The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph shall be held unconstitutional or violate the Laws of the State of Delaware by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

**Section 3.** Effective Date. The Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take effect and be in force thirty days from and after its approval by Council.

**Section 4.** Repealer: All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

**ORDAINED AND ENACTED INTO THE LAW** by a majority vote of the Council Members present at a regular session of Frederica Town Council, Delaware on the 7 day of December, A.D. 2022.

First Reading: November 16, 2022

Public Hearing and Second Reading: December 7, 2022

Published: January 7, 2023

  
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William C. Glanden  
Mayor

I do hereby certify that the foregoing is a true and correct copy of the Ordinance passed by the Town Council at its meeting on December 7, 2022 at which meeting a quorum was present and voting throughout that the same is still in full force and effect.

  
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Clerk

**SYNOPSIS:**

This Ordinance amends Chapter 81-1 and 81-3 relating to Animals.