

ANIMALS

# Chapter 88

## ANIMALS

### GENERAL REFERENCES

Authority to regulate — See Charter Section 29(a)(7).

ANIMALS

ARTICLE I

General Provisions

[Adopted 11-8-1974 as Ch. 4, Art. 1, of the 1974 Code ]

**§88 -1. Definitions.** [Amended 5-13-1988 by Ord. No. 588 -2;  
7-12-1991 by Ord. No. 791-1; 11-15-2004 by Ord. No. 1104-03]

As used in this chapter, the following terms shall have the meanings indicated:

ANIMAL — Includes any and all types of mammals except human beings.

ANIMAL CONTROL OFFICER — The person appointed by the ~~Mayer~~ Office of Animal Welfare to enforce any animal control laws or regulations. This shall include, but not be limited to any City of Rehoboth Police Officer or State Police.

CAT — All felines, domesticated or feral, except large or exotic cats.

DOG — Either male or female canine.

LEASH — A cord or chain not to exceed ~~eight~~ six feet in length, attached to any animal by collar or slip-lead, handled and directed from one end by any person.

LOCAL SPCA — Brandywine Valley Society for the Prevention of Cruelty to Animals, its successors and assigns. [Amended 7-20-2018 by Ord. No. 0718 -01]

OWNER — Any person owning, ~~keeping or harboring~~ servicing as custodian or possessing a dog or cat or other animal.

RUNNING AT LARGE — 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.

SERVICE ANIMAL - Any dog that is individually trained to do work or perform tasks for the benefit of an individual with an identified disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The task(s) performed by the dog must be directly related to the handler's specific disability.

TETHER/TETHERING- permanent, perpetual securing of an animal by chain, rope, or cord, not to include a leash used for walking.

TRAP, NEUTER, RETURN (TNR) — A program administered by citizen volunteers and others to control the abandoned or feral cat population through long-term sterilization, vaccination and return to their habitat, with adoptable cats and kittens being placed into homes.

**§88 -2. Enforcement.** ~~[Amended 7-12-1991 by Ord. No. 7911; 11-15-2004 by Ord. No. 110403]~~

~~The Animal Control Officer or the Police Department shall enforce the provisions of this chapter.~~

**§88 -3. Appointment of Animal Control Officer.** ~~[Amended 7-12-1991~~

ANIMALS

~~by Ord. No. 7911 ; 11-15-2004 by Ord. No. 110403]~~

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

**§88 -4. ~~Animals Running at Large~~ Livestock & Fowl. [Amended 11-15-2004 by Ord. No. 1104 -03]**

~~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 city unless such animal shall be maintained in an enclosures or other fastening device from which it cannot escape.~~

**§88 -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 city in unsanitary quarters, so as to create oxious or offensive odors or so as to unduly attract flies, mosquitoes or other insects.~~

**§88 -6. Noisy animals.**

~~No person shall keep any animal that 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 nuisance and a civil offense pursuant to Chapter 126 of the Municipal Code of the City of Rehoboth Beach.~~

ARTICLE II

**Dogs, Cats or other Animals**

**[ Adopted 11-8-1974 as Ch. 4 , Art. 2 , of the 1974 Code; amended in its entirety 11-15-2004 by Ord. No. 1104 -03]**

**§88 -7. License Required .**

No resident of this City shall own or have control of any dog over six months of age unless it be duly licensed with valid State license tag in pursuance of the laws of the state accordance with state laws. Anyone who violates this section shall be fined not less than \$50 or more than \$100.

**§88 -8. License tag.**

No person shall own or have control of any dog over six months of age unless a license tag is ~~worn~~ able to be presented at all times by the ~~dog~~ Owner in the manner provided by the laws of the state.

**§88 -9. ~~Harboring or holding for reward of strayed or stolen dogs, cats or other animals.~~**  
**Abandonment of animals**

## ANIMALS

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

- A. It shall be unlawful to abandon or attempt to abandon an animal in city limits at any time. For this purpose, "abandon" shall mean to desert, forsake or absolutely give up care of an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care for a period of 24 hours.
- B. EMERGENCIES. During any and all emergencies including natural disaster, act of terrorism, or any event requiring evacuation or displacement, no animal shall be left behind within, tethered to or inside of any shelter, or left outdoors unattended. Citizens shall contact BVSPCA, OAW, and/or DEMA/FEMA for instructions and options for appropriate animal sheltering during evacuation. Resources for evacuation and emergencies can be found on the City of Rehoboth Beach website.

### **§88 -10. Vicious dog, cats or other animals.**

- A. Any dog, cat or other animal that habitually (two or more times) bites or injures any human being or habitually 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, cat or other animal for the purpose of this chapter.
- B. ~~It shall be the duty of the Animal Control Officer~~ Office of Animal Welfare and Delaware Animal Services or Chief of Police or their designees to receive an investigate complaints against dogs, cats or other animals. Whenever any dog, cat or other animal complained against shall be deemed by the above officers to be a possibly vicious dog, cat or other animals, the officer shall report the facts to the Alderman .
- ~~C. The Alderman shall cause the owner or persona harboring the dog, cat or other animal deemed to be possible vicious, to be notified in writing of the complaint against the dog, cat or other animal, The notice shall state the time and place of the hearing before the Justice .~~
- ~~(1 ) The Alderman 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 be represented by counsel.~~
- ~~(2 ) The Alderman shall decide in accordance with the evidence before him, and if the Judge decides the dog, cat or other animal complained of is in fact a vicious dog, eat or other animal, as defined in Subsection A, notice of the decision shall be given to the owner or person harboring the dog, cat or other animal.~~
- D. No dog, cat or other animal which has been determined to be vicious dog, cat or other animal shall be permitted to run at large or be upon any street or public place, except while securely confined by an adequate leash an 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, cats or other animals.
- F. Anyone who violates this section shall be fined no less than ~~\$ 1 0 0 or more than \$ 2 5 0 or~~ more than \$500.

### **§88 -11. Injuring or slaying dogs prohibited; exceptions.**

~~No person, except a police officer or 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/or eaten~~

## ANIMALS

~~by dogs, or kill, or injure or poison any animal, licensed dog or attempt to do so within the City, except in the case of a dog attacking a human being.~~

### **§88 -12. Dangerous dogs, cats or other animals may be slain.**

If any dangerous, fierce or vicious dog, cat or other animal shall be found running at large and cannot be taken up or tranquilized and impounded, such dog, cat or other animal may be slain by any police officer or agent authorized to perform any duty under this chapter.

### **§88 -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 fine of not less than \$50 or more than \$100, plus fees as provided in § 8819 hereof.~~

### **§88 -14. Injury to property, nuisances.**

A. It shall be unlawful for any person owning or possessing a dog to permit such dog to go upon any sidewalk, parkway, street, throughfare or private lands or premises without the permission of the owner of such premises and break bruise, tearup, crush or injure any lawnmower, flowerbed, 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~~ removing excrement and appropriate depository for the transmission for such excrement to a receptacle located upon the property owned or possessed by such person. City leash law shall apply.

C. No person shall leave unattended any animal that causes frequent or long continued noise so as to disturb the comfort or repose of any person in the vicinity.

D. Poop Scoop. It shall be the duty of each dog owner, custodian, or person having possession, custody or control of a dog within City Limits to remove any feces left by his or her dog on any sidewalk, gutter, street or other public area. No owner or custodian shall permit any dog or other domesticated animal to defecate on any public area, property of another, or upon the beach dune areas or beach walkways unless the feces is immediately removed, placed in a plastic bag or other sealed container and deposited into a trash container. Owners/ Custodians may not dispose of dog excrement in any manner that would likely result in contamination of the waters of the ocean or bay. Any violation of this section shall constitute a violation punishable by a fine or civil penalty of not more than two-hundred fifty (\$250) dollars. For the purposes of enforcing the provisions of this section, appearance tickets may be issued by City of Rehoboth Beach Policy and by any persons authorized to issue tickets for parking violations. The provisions of this section shall not apply to a guide dog, hearing dog or ADA recognized service dog accompanying a person with a disability.

E. The provisions of this section shall not be applicable to any dog performing some act or function on behalf of any law enforcement or branch of the armed forces of this nation or to any ~~Seeing Eye Dog~~ ADA Compliant Service Animal being handled by a person who is legally blind.

ANIMALS

F. Any violation of this section is declared a civil offense pursuant to Chapter 126 of the Municipal Code of the City of Rehoboth Beach. [Amended 6-16-2008 by Ord. No. 0608 -02]

ARTICLE III

**Impoundment of Dogs**

[Adopted 11-8-1974 as Ch. 4, Art. 3, of the 1974 Code]

**§88 -15. Dogs running at large prohibited.** [Amended 2-12 -1982 by Ord. No. 282 -1 ; 5 -13 -1988 by Ord. No. 588 -2 ; 7 -12 -1991 by Ord. No. 791 -1]

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 city.

(1) No dog shall be tethered at any time within 100 feet of any school, library or child care center, regardless of the presence of any owner or custodian.

B. Any person who is the owner, custodian or has the control of any dog within the city at all times of each day shall keep such dog either:

(1 ) Confined within an enclosure from which it cannot escape which may include but not limited to a fenced yard or enclosed pen ;

(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~~ an owner or custodian ; or

(3 ) Firmly secured by a leash whenever the dog is off the premises of its owner so that the dog cannot stray from its control ~~and such person shall carry and use a bag or other device to pick up and remove any excrement that said dog shall drop.~~ [Amended 11-15-2004 by Ord. No. 1104 -03] Dogs must be restrained by an adequate, fastened collar and a leash or lead that is 6 feet or less in length when not on owner's property, on private property with owner permission, or property where dogs are permitted off-leash per municipal code. Dogs must be accompanied at all times by a responsible individual. It shall be unlawful for any person owning, having control of or harboring a dog within the City to permit such dog to run at large within the City, or to permit any dog to go upon any City or public street, property, sidewalk or right-of-way unless it is secured by a leash or lead or other means of restraint not harmful or injurious to the dog or under the control of a responsible personal physically capable of restraining the dog, Dogs may not remain on the City beach or boardwalk from May-October. Dogs on any city or public beach from October-May may remain if they are leashed, well-behaved, obedient, well socialized and under direct supervision and under control of an owner or custodian. Pets on any city property must be leashed at all times.

C. Unattended tethering of dogs prohibited: It shall be unlawful to tether any unattended dog whether or not the dog has been provided adequate space.

D. Any violation of this section is declared a civil offense pursuant to Chapter 126 of the Municipal Code of the City of Rehoboth Beach. ADA recognized Service Animals are not exempt from the provisions of this Section.

**Amended 11-15-2004 by Ord. No. 1104 -03; 6-16-2008 by Ord. No. 0608 -02]**

**§8 8-16. Dogs or other animals prohibited from beach.** [Amended 2-14-1975 ; 5-9-1986 by Ord. No. 586-1 ; 10-10-1986 by Ord. No. 1086 -2 ; 5-13-1988 by Ord. No.

ANIMALS

**588 -2 ; 11-15-2004 by Ord. No. 1104 -03 ; 6-16-2008 by Ord. No. 0608 -02 ; 5-20-2011 b y Ord. No. 0511 -02]**

No person who is the owner or has control of any dog or other animal shall permit or suffer the dog or other animal to group on the main boardwalk or upon the beach or strand of the City at any times between May 1 of any year until September 30 of any year, both dates inclusive. Dogs or other animals performing some act or function in behalf of any law enforcement agency or branch of the armed forces of this nation and its allies are exempt from this section as well as from § 88-15. This section shall not include ~~Seeing Eye dog~~ ADA recognized Service Animals, ~~being handled by persons who are legally blind and dogs otherwise assisting handicapped persons~~, Any violation of this section is declared a civil offense pursuant to Chapter 126 of the Municipal Code of the City of Rehoboth Beach.

**§88 -17. Authority to impound; records. [Amended 7-12 -1991 by Ord. No. 791 -1]**

A. Each police officer or the Animal Control Officer ~~shall~~ may apprehend any dog running at large contrary to the provisions of this article . **[Amended 11-15 -2004 by Ord. No. 1104 -03]**

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 Police Department or Animal Control Officer setting the information required shall be maintained at the office of City Manager at the Municipal Building . **[Amended 11-15 -2004 by Ord. No. 1104 -03]**

D. Lost Pets and Pets at Large. Any and ALL lost or found pets shall be reported to the City of Rehoboth Beach Police Department AND the Office of Animal Welfare/Animal Services. No unclaimed or roaming pet shall be claimed, housed or kept by any resident or visitor within the city limits of Rehoboth Beach without proper notification of the listed authorities.

(1) Lost Pets: Pets who are missing and have been reported to the Department as such by an owner or caregiver.

a) Whenever an officer is dispatched to a lost pet complaint, officers initially respond as they would to a public assistance call for service. The goal is to reunite the pet with its owner. Often an owner will report their pet as missing in a short time frame. Pets should be returned to their owners as soon as is practicable.

b) A report should be taken and the owner should be asked to provide an electronic picture of their pet to be distributed to:  
- Police  
- Lifeguards  
- City Staff  
- City website and affiliated social media groups and pages (NextDoor.com)  
- After a short period, local veterinarians and appropriate agencies such as the Office of Animal Welfare or BVSPCA who may receive calls on the pet.

## ANIMALS

(2) **Pets at Large:** Pets that are not under the restraint, confinement or direct control of the owner or caregiver that have not been reported as lost.

- If an officer is dispatched to a pet at large complaint the officer should make every reasonable attempt to locate and take custody of the pet. If a pet is violent and presents an unreasonable danger, officers should contact the appropriate agency such as the Office of Animal Welfare of the Division of Health and Social Services of BVSPCA for assistance.

- If the pet was not violent, it will be initially transported to the Department and held either in the vehicle (for brief periods and only under climate control) or in a crate/ confined space (climate controlled) for longer durations as necessary. Pets that are violent may be taken by the appropriate agency such as Office of Animal Welfare, BVSPCA, or appropriate rescue/foster for custody/care.

- Officers shall attempt to locate the owner either by license or chip.

- The police should have access at all times to a pet license list and chip reader. If the pet has a state license the owner should be contacted immediately. The chip readers should scan any tag. Additionally, chip readers are readily available at most animal hospitals, veterinarian's offices and animal shelters.

- If an owner can't be located, the pet should have a picture taken of them and posted on social media with city police and staff notified.

(3) Lost pets or pets at large causing injury to persons or property may rise to the level of a criminal offense. Officers believing a criminal offense has occurred as a result of a lost pet or pet at large should consult the Department of Justice before taking enforcement action unless circumstances are such that failure to act would deny a victim all opportunities for justice.

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

~~§88-18 . Contents of notice of impounding. [Amended 7-12-1991 by Ord. No. 7911; 11-15-2004 by Ord. No. 110403]~~

~~The Police Department of Animal Control Officer shall give notice to the owners, if ascertainable, by registered mail, with return receipt requested, within 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 in accordance with § 8817. The police officer and the Animal Control Officer shall post or cause to be posted in the Municipal Building, within 72 hours following the time of apprehending and impounded, 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 § 8817.~~

~~§88 -19. Reclaiming impounded dogs; fee. [Amended 7-12 -1991 by Ord. No. 791 -1; 11 -15 -2004 by Ord. No. 1104 -03]~~

~~The owner of any dog apprehended and impounded by the Police Department of Animal Control Officer may reclaim the dog upon the payment of any fine and costs imposed for any violation and a charge of \$40 per day from the date of apprehension and impounded, as the cost of keeping and maintaining the dog.~~



ANIMALS

~~§88-20 . Disposition of unclaimed dogs. [Amended 7-12-1991 by Ord. No. 7911; 11-15-2004 by Ord. No. 110403; 7-20-2018 by Ord. No. 071801]~~

~~Any dog apprehended and impounded by the Police Department or Animal Control Officer in accordance with the provisions of this article may, if not reclaimed by the owner following the expiration of five 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 Municipal Building, be turned over and released to the local SPACA for disposition in accordance with the provisions of the Game and Fish Laws and Regulations, or the Police Department or Animal Control Officer may release the dog to a person other than the owner upon the payment of the charge imposed for keeping and maintain the dog. Any dog which appears to be suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous diseases shall not be released but shall be destroyed without the necessity of giving any notice.~~

~~§88-21. Delivery of impounded dog to state officials. [Amended 11-15-2004 by Ord. No. 1104-03; 7-20-2018 by Ord. No. 0718-01]~~

~~Any dog found running at large contrary to the provisions of this article may be delivered to the local SPCA, or any agent thereof, for impounding and or disposal under the rules and regulations adopted by it.~~

ARTICLE IV

Rabies Control

[Adopted 11-8-1974 as Ch. 4, Art. 4, of the 1974 Code ]

~~§88-22. Dogs and Cats to be immunized against rabies . [Amended 7-12-1991 by Ord. No. 791-1; 11-15-2004 by Ord. No. 1104-03]~~

- ~~A. It shall be the duty of every resident of the city owning or possessing a dog or cat over the age of six months to have the animal inoculated with rabies vaccine by a licensed veterinarian. The expense of inoculation shall be borne by the owner of such animal.~~
- ~~B. Non residents of the city possessing a dog or cat within the city for more than 14 days shall have the animal inoculated with a rabies vaccine unless such non resident is able to produce a certificate for vaccination from a licensed veterinarian for the animal.~~
- ~~C. Anyone who violates this section shall be fined not less than \$50 or more than \$100 .~~

~~§88-23. Examination of biting dog or cat to determine rabies.~~

~~[Amended 7-12-1991 by Ord. No. 7911; 11-15-2004 by Ord. No. 110403]~~

~~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 Police Department or Animal Control Officer and placed under the observation of a veterinarian, at the owner's expense, for a period of 10 days, to determine whether the animal has rabies. The veterinarian shall make at least two examinations of the animal, the first at the time it is placed under his care and the next 10 days thereafter.~~

~~B. The owner of such animal, at the end of the examination period, shall present to the Police Department or Animal Control Officer, on forms furnished by the City, 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 forth wit. If the owner of an animal which has bitten or mutilated any person refuses to surrender it, the~~

ANIMALS

~~Animal Control Officer of his designee may lawfully enter upon any premises where the animal is located and may seize and impound the animal for the purposes of this section.~~

~~§88-24. Confining animal which has attacked or bitten a person. [Amended 11-15-2004 by Ord. No. 110403]~~

~~Either the police or Animal Control Officer or their designee 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 owners or person in charge of it upon the premises of the owner or person in charge at some other place designated in the notice, for at least 10 days after the animal has attacked or bitten the person.~~

~~§88-25. Examination of animals by either Police Department or Animal Control Officer. [Amended 7-12-1991 by Ord. No. 7911; 11-5-2004 by Ord. No. 110403]~~

~~Either the Police Department or the Animal Control Officer or their designee shall be permitted by the owner or person in charge of animal which has attacked or bitten a person, to examine the animal at any reasonable time, and daily, if desired, with a period of 10 days after the animal has attacked or bitten a person, to determine whether the animal shows symptoms of rabies.~~

~~§88-26. Report of person bitten by animal. [Amended 7-12-1991 by Ord. No. 791-1; 11-15-2004 by Ord. No. 1104-03]~~

- ~~A. Every person shall, within 12 hours after his first professional attendance upon any person bitten by a dog or other animal, report to the Police Department 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 Department or Animal Control Officer and provide the same information as set out in Subsection A.~~

~~§88-27. Confining animals to prevent spread of rabies. [Amended 7-12-1991 by Ord. No. 7911]~~

~~A. Whenever either the police or Animal Control Officer has a 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 the official newspaper of the city. [Amended 11-15-2004 by Ord. No. 110403]~~

~~B. Other animals may be included in the order whenever, in the opinion of the officials, this is necessary.~~

## ANIMALS

~~C. Whenever the Delaware Department of Health and Social Services 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 provides by appropriate proceedings either in law or equity. [Amended 11-15-2004 by Ord. No. 110403]~~

~~§88-28. Permit to release animals. [Amended 7-12-1991 by Ord. No. 7911; 11-15-2004 by Ord. No. 110403]~~

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

## ARTICLE V

### Cats

[Adopted 11-15-2004 by Ord. No. 1104 -03 <sup>21</sup>

#### **§88-29. Purpose.**

The City has had a significant resident-abandoned or feral cat population for many years. The transient nature of a resort community makes it difficult to stop the abandonment of cats by seasonal visitors. As these cats form colonies and procreate, their population becomes an ongoing problem to manage it is the intent of this article to reduce the City's population of abandoned or feral cats.

#### **§88-30. Cats at large . [Amended 07-20-2018 b y Ord. No. 0718 -01]**

Pet cats that go outside must wear rabies vaccination license or some other form of identification.

##### **§88-30.1. Abandoned or feral cats. [Amended 7-20-2018 by Ord. No. 0718 -0 1]**

The Animal Control Officer or the City Manager, or their designee, may apprehend any abandoned or feral cat running at large and cause said animal to be transported to the local SPACA in Georgetown, Delaware. If said cat is determined to be feral, it may be spayed or neutered and returned to the location from which it was apprehended, provided that the cat's ear has been notched, which is a universal sign that it has been sterilized and give a rabies vaccine. If said cat is determined to be abandoned, it may not be returned to the location from which it was apprehended.

##### **§88-30.2. TNR program .**

Nothing in this chapter shall prohibit the use of a Trap, Neuter, and Return (TNR) program by an person or group of persons to reduce the City's population of abandoned or feral cats.

2. Editor's Note : This ordinance also repealed former Art. V, Cats, adopted 11-8-1974 as Ch,4, Art.5, of the 1974 Code, as amended.

## ARTICLE VI

## ANIMALS

### Waterfowl

[Adopted 8-19-2002 by Ord. No. 0802-1]

#### §88-31. Intent.

- A. The feeding of ducks, ~~and~~ geese, and gulls encourages waterfowl to halt their normal migrations and establish a residency in the City. The growing populations of waterfowl result in large amounts of waterfowl droppings that potentially can spread disease. Other problems caused by droppings are excess nutrients in the City's lakes, that in turn can cause algae blooms, damage to lawns and the soiling of public areas around the City's lakes.
- B. It is the intent of this article to minimize the attraction of these birds by restricting their feedings and other acts that encourage the birds to halt their migration and reside in the City. Improper feeding (bread) can cause medical and genetic issues for migrating birds like ducks and geese.

#### §88-32. Prohibitions.

- A. No person shall feed, cause or permit to be fed or provide food for ducks, geese and/or fowl within the corporate limits of the City of Rehoboth Beach.
- B. No person shall create or foster any condition of allow any condition to exist or continue which results in a congregation or congestion of domestic or migratory waterfowl.
- C. No person shall feed, cause or permit to be fed or provide food for gull, seals, turtles or any other mammal or waterfowl from a pond, lake or stream, or any portion of the beach or boardwalk.

as improper feeding can cause harm and aggressive behavior in wildlife.

#### §88-33. Violations and penalties. [Amended 11-15-2004 by Ord. No. 1104-03]

Any person violating any provisions of this article shall, upon conviction, pay a fine not less than \$5 or more than \$50, and shall pay the cost of prosecution. For each subsequent offense, he shall be fined not less than \$25 or more than \$200 and shall pay the cost of prosecution.

#### ~~§88-34. Effective date.~~

~~This article shall not take effect until the domestic and/or injured waterfowl are removed from Lake Gerar Park, but in any event this article shall take effect no later than January 1, 2003.~~

## ARTICLE VII

### Trappings of Dogs, Cats or Other Animals

[Adopted 11-15-2004 by Ord. No. 1104-03 ]

#### §88-35. Definitions.

For the purpose of this article, the following definitions shall be applicable:

## ANIMALS

ANIMAL CONTROL SERVICE — A non profit organization such as the Delaware Office of Animal Welfare, local SPCA or volunteer on profit animal organization s that do not charge fees for trapping animals. [Amended 7-20-2018 by Ord. No. 0718-01]

LIVE TRAP — a device used for the trapping of dogs, cats or other animals which does not injure, maim or kill the animal being trapped.

PROFESSIONAL TRAPPER — A person, business or other entity who charges a fee for the trapping of dogs, cats and other animals.

### **§88-36. Purpose.**

The purpose of this article is to encourage the trapping, by humane trapping procedures, of abandoned or feral dogs, cats and other animals, especially abandoned or feral cats, within the City, given that the City has significant resident-abandoned or feral cat population.

### **§88-37. Trapping permitted.**

Residents of the City, professional trappers, offers of an animal control service, or a humane advocacy group society shall be permitted to engage in the trapping of abandoned or feral dogs, cats or other animals within incorporated limits of the City of Rehoboth Beach, pursuant to the following regulations:

- A. Live traps should be the only trapping method used.
- B. Leg traps are prohibited.
  - (1) No feline or rodent, including squirrels, shall be left in a trap for a period in excess of four (4) hours.
  - (2) Once placed, no trap shall be left unattended for a period in excess of four (4) hours.
- C. All traps must have identification tags which are:
  - (1) Clearly legible ;
  - (2) Identify the owner's name and address;
  - (3) Identify the telephone number of the person who is using the trap.
- D. Trapping procedures must be used in accordance with §88-9.
- E. Within 72 hours of apprehension, trappers must provide to the City Manager a list of the dogs and/or cats trapped, including a physical description of the animal and approximate location, time and date of the trapping, which will then be posted at City Hall.
- F. Professional trappers must obtain a business license from the City before engaging in trapping of animals.
- G. Professional trappers shall provide the City of Rehoboth Beach with written notice of the exact locations and purpose of trapping.
- H. This section shall not apply to:
  - (1) The City, or the Police Department, or their authorized representatives engaging in the trapping of animals, for the purpose of protecting public safety.
  - (2) The trapping of rodents, such as mice, rats, or squirrels.
  - (3) The trapping of animals which occurs indoors.

### **§88-38. Violations and penalties.**

## ANIMALS

Any person violating any of the provisions of this article shall, upon conviction, pay a fine of not less than \$100 or more than \$250 and shall pay the cost of prosecution, In addition, professional trappers may be subject to forfeiture of their business license by the City.

## ARTICLE VIII

### Enforcement Penalties

[Adopted 11-15-2004 by Ord. No. 1104-03 ]

#### **§88-39. Violations and Penalties.**

Any person violating any of the provisions of this chapter, unless otherwise specified, upon conviction shall pay a fine of not less than \$50 or more than \$100, and shall pay the costs of prosecution. For each subsequent offense occurring within 12 months of the prior offense, upon conviction, the person shall pay a fine of not less than \$100 or more than \$250 and shall pay the costs of prosecution.

#### **§88-40. Enforcement.**

- A. With the consent of the person charged with a violation under this chapter, the Chief of Police or his designated representative, is authorized to issue a citation to any person or persons who violate the provisions of this chapter, and to accept it and receive, without a hearing, not less than a minimum fine mandated for said violation paid within 14 days after the day that the violation occurs, If the said penalty is not paid within the aforesaid 14 day period, the Animal Control Officer, or a police officer, may then file a summons for the arrest of the said violator.
- B. The provisions of this section shall not apply to violations of §88-10 of this chapter.
- C. Any person or employee convicted of cruelty or abandonment of any animal is otherwise guilty of failing to comply and shall be prohibited from obtaining or maintaining any business license (relating to the control, possession, supervision or any other activities involving animals) within the City of Rehoboth Beach for a period of five (5) years following said conviction.