

TOWN OF BRIDGEVILLE

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ORDINANCE NO.: A 13-3

AN ORDINANCE TO AMEND AND REENACT BRIDGEVILLE CODE RELATING TO VIOLATIONS AND PENALTIES RELATING TO SECTIONS 84-9 THROUGH 84-11, CHAPTER 84, ARTICLE II, DOGS

WHEREAS, the Commissioners of Bridgeville have all powers granted to municipal corporations and to cities by the Constitution and general law of the State of Delaware, including the implied powers necessary to carry into execution all the powers granted; and

WHEREAS, the commissioners have, from time to time, ordained penalties for violations of the various provisions of Chapter 84, Article II of the Bridgeville Code; and

WHEREAS, the Commissioners are of the opinion that a reenactment of Sections 84-9 through 84-11, of Chapter 84, Article II is necessary to clarify the penalties for the violation Article II; and

WHEREAS, the Commissioners of Bridgeville are of the opinion that such a consolidation is in the best interests of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF
BRIDGEVILLE, to read as follows:**

Section 1. Amend and reenact Bridgeville Code, Sections 84-9 through 84-11, of Chapter 84, Article II, by deleting the text which is ~~stricken through~~ and adding the underlined text, as follows:

§ 84-9. Dogs running at large; violations and penalties.

No dog shall be permitted to run at large at any time. Any owner or custodian who violates this subsection shall be fined not less than \$25 nor more than \$50. For each subsequent offense occurring within 12 months of a prior offense, the person shall be fined not less than \$50 nor more than \$100. The minimum fine for a subsequent offense shall not be subject to suspension. Whoever, allows such dog to run or remain at large in the Town while in heat shall be deemed guilty of a violation.

A. ...

B. Whoever, being the owner or custodian, possessor or harborer of any female dog, allows such dog to run or remain at large in the Town while in heat shall be deemed guilty of a violation, fined not less than \$50 nor more than \$100. For each subsequent offense occurring within 12 months of a prior offense, the person shall be fined not less than \$100 nor more than \$200. The minimum fine for a subsequent offense shall not be subject to suspension. Allowing a female dog to run at large while in heat is a violation.

C. Whoever, being the owner, custodian, possessor or harborer of any dog that, while running at large and without provocation, bites a person shall be deemed guilty of a violation, fined not less than \$100 nor more than \$500. For each subsequent offense involving the same dog, such owner, custodian, possessor or harborer shall be fined not less than \$750 nor more than \$1,500. The minimum fines provided for in this subsection shall not be subject to suspension. For purposes of this subsection, a dog shall not be deemed as running at large if such dog is on land owned or leased by such dog's owner, custodian, possessor or harborer.

D. ...

§ 84-11. Violations and penalties.

Whoever violates any provision of this article, unless otherwise specifically provided, shall be fined not less than \$50 nor more than \$100 for each offense. For each subsequent offense, the person shall be fined not less than \$100 nor more than \$250.

Any person violating any provision of this chapter, upon conviction thereof, shall pay such fines as set out in Chapter 1, General Provisions. Article II, Penalties.

Section 3. This ordinance shall become effective upon its adoption by a majority of the members elected to the Commissioners of Bridgeville.

COMMISSIONERS OF BRIDGEVILLE

By: Patricia M. Correll
President

ATTEST: Leanne Fassone
Secretary

Adopted: February 11, 2013

[DLS Draft 01-09-13]
[DLS Rev 01-14-13]
[DLS Rev 02-11-13]