PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

A G E N D A

April 24, 2007 - 12:00 Noon - Caucus Room - City Hall - City of Dover

Public comments are welcomed on any item and will be permitted at appropriate times. When possible, please notify the City Clerk (736-7008 or e-mail at Tmcdowell@dover.de.us) should you wish to be recognized.

AGENDA ADDITIONS/DELETIONS

1. Review of Schutte Park Master Plan (Carter)

2. Proposed Zoning Text Amendment - Appendix B - Zoning, Article 3 - District Regulations, Section 2 - General Residence Zones (RG-1 and RG-2)

3. Loockerman Way Land Sale - Amend Decision to Dispose of Excess Land

4. Discussion - Revisions to Animal Control Ordinance *(Deferred by Committee 2/27/07)*

5. Updates
   A. Puncheon Run Watershed Action Team Update
   B. John W. Pitts Recreation Center
   C. Planning and Funding for New Library
   D. CDBG Program

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THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

FIRST READING

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Appendix B - Zoning Ordinance, Article 3 – Section 2. General Residence Zones (RG-1 and RG-2) be amended by inserting a new section 2.6 as follows:

2.6 *Administrative Waivers:* The City Planner shall have the authority to waive the Bulk Standards and Parking Requirements of Article 4 Section 4.2 for all non-conforming lots that existed in the RG-1 zone prior to January 1, 2007, when deemed necessary for redevelopment. The applicant must request such waivers in writing, stating the reasons that such waivers are necessary for development or redevelopment of the subject parcel.

ACTION FORM

PROCEEDING: Parks, Recreation, and Community Enhancement	**AGENDA ITEM NO.**: 4/24/07-PR&CE
DEPARTMENT OF ORIGIN: City Manager	**DATE SUBMITTED**: 4/17/07
PREPARED BY: Anthony J. DePrima	

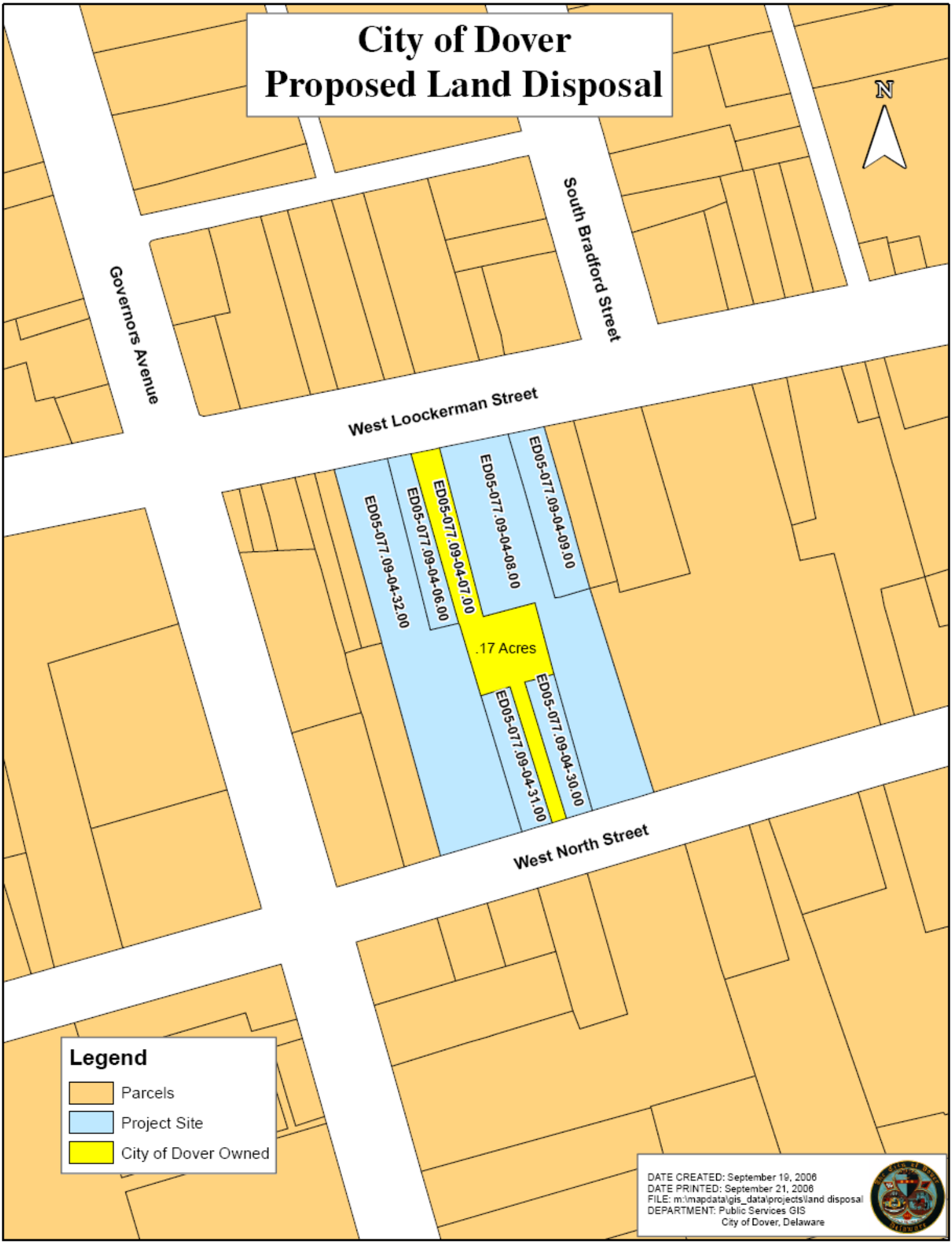
SUBJECT: Loockerman Way Land Sale – Amend Decision to Dispose of Excess Land.

REFERENCE: N/A	**RELATED PROJECT**: N/A	**APPROVALS**: N/A	**EXHIBITS**: Site Map
EXPENDITURE REQUIRED: N/A		**AMOUNT BUDGETED**: N/A	
FUNDING SOURCE (Dept./Page in CIP & Budget): N/A			
TIMETABLE: NA			

RECOMMENDED ACTION: Amend City Manager's authorization to sell property known as Loockerman Way at value based on an unbiased appraisal plus appraisal costs, legal cost, and cost of relocating public utilities eliminating the former condition (b) that a new pedestrian access way between North Street and Loockerman Street be included in the design of "The Collegian" project. Condition (a) that all construction permits for "The Collegian" project be obtained by the developer of adjacent properties prior to sale will remain as a condition.

BACKGROUND AND ANALYSIS

At the October 9, 2006 City Council meeting the Council authorized the City Manager to dispose of the city owned property known as "Loockerman Way" to the owner and equitable owner of four adjacent properties to the east and west known as the Collegian Hospitality Group II, LLC. One of two conditions placed on the sale was that a pedestrian access way be included in the plan for the Collegian for the purpose of allowing access from Loockerman Street to North Street. Originally it was thought that this would not be a problem, however, after several design considerations, it was determined that such an access way could not be safely designed without severely impacting the overall project design. The project was reviewed by the Planning Commission and approved without such an access way. I concur with the overall concern with safety and recommend that condition "b" be removed as a condition of sale.


City of Dover
Proposed Land Disposal
N
Governors Avenue
South Bradford Street
West Loockerman Street
West North Street
ED05-077.09-04-32.00
ED05-077.09-04-06.00
ED05-077.09-04-07.00
ED05-077.09-04-08.00
ED05-077.09-04-09.00
.17 Acres
ED05-077.09-04-31.00
ED05-077.09-04-30.00
Legend
Parcels
Project Site
City of Dover Owned
DATE CREATED: September 19, 2006
DATE PRINTED: September 21, 2006
FILE: m:\mapdata\gis_data\projects\land disposal
DEPARTMENT: Public Services GIS
City of Dover, Delaware

DISCUSSION DRAFT FOR PR&CE Committee on April 24, 2007 (Using the Dover Code as the base, additions and changes are proposed by inserting provisions from either the Newark or the Wilmington Code)(Comments are those of Gene Ruane, Committee Chair)

Chapter 18 ANIMALS* DOVER CODE

Sec. 18-1. 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 includes every living dumb creature, and 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 means a person employed by the city as an enforcement officer, including sworn police officers.

Animal shelter and *veterinary facility* mean any premises so designated by the city for the purpose of impounding and caring for strays, animals found running at-large, or animals in violation of this chapter or state law.

At-large means an animal off the premises of the owner and not under the control 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.

Domesticated animal means 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.

Exotic animal shall mean wild mammals or hybrids of wild animals (mammals whose parents are different varieties of the same species or belong to different but closely allied species, one parent being a wild mammal not native to or generally found in Delaware and the other parent being a domestic mammal native to or generally found in Delaware) or live reptiles not native to or generally found in the State of Delaware (as determined by the Delaware Department of Natural

Comment [R1]: From Newark code at 5-1. Dover Code usea “wild”animal reference and definition at 18.1.

Resources and Environmental Control, Division of Fish and Wildlife), as defined by the state pursuant to Title 3, Delaware Code, for which permits are required by the state pursuant to that chapter. Possession or ownership of any animal, fowl, or reptile that is prohibited by federal or state statute or regulation shall also be defined as an exotic animal.

Farm animal shall mean any animal or fowl commonly found on a farm including, but not limited to, chickens, roosters, ducks, geese, emus, ostriches, all species of pigs/hogs, donkeys, mules, horses, cattle, goats, sheep, llamas, oxen, or any other animal or fowl suitable for slaughter or for the production of milk, eggs, fiber, or feathers

Fowl shall mean any and all fowl, male and female, domesticated and wild, singular and plural, but shall not include registered racing or homing pigeons.

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 means 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 or more consecutive days.

Pit bull terrier shall mean any and all of the following dogs:

(1) Staffordshire bull terrier breed of dogs;
(2) American Staffordshire terrier breed of dogs;
(3) American pit bull terrier breed of dogs;
(4) Dogs which have been registered at any time as any of the specified breeds; and
(5) Dogs which have the appearance of being predominantly of the breed of dogs known as Staffordshire bull terrier, American Staffordshire terrier, or American pit bull terrier. A dog shall be deemed to have the "appearance of being predominately of the breed of dogs" if the dog exhibits the physical characteristics which substantially conform to the standards established by the American Kennel Club or the United Kennel Club for any of these breeds. If there is some question as to the dog's breed at the time ofseizure, the determination shall be made by the state S.P.C.A. If officials classify the dog as a pit bull terrier, or as a mixed breed dog with pit bull characteristics, the owner must, within 48 hours of

Comment [R2]: Add farm animal instead of having separate section on "swine" as in Dover at 18.3 ?

Comment [R3]: From Newark at 5.1. Dover code refers to "fowl" w/o defining it. Dover does not reference pigeons.

Comment [R4]: From Wilmington code at 3.1 definitions

notification that the dog is deemed to conform to the above definition and before redemption of said animal from the state S.P.C.A., register the dog according to the requirements outlined in section --- of this chapter.

Comment [R5]: Need to insert proper sec. reference

Public nuisance animal means any domestic animal or group of domestic animals which:

(1) *At-large.* Is repeatedly found at-large;

(2) *Property damage.* Damages the property of anyone other than its owner;

(3) *Interference with persons, vehicles.* Molests passersby or chases passing vehicles or bicycles;

Comment [R6]: Delete this and substitute the following

Menaces passersby or chases passing vehicles or , or bicycles, exhibits behavior which requires a defensive action by any person to prevent physical contact, bodily injury or property damage when such person is conducting himself peacefully and lawfully, or engages in an attack which results in property damage; or

Comment [R7]: Substitute for Dover (3) Taken from 3.1 Wilmington Code.

(4) *Noise.* Barks, whines or howls in an excessive, continuous or untimely fashion;

(5) *Odor.* Creates an odor which is noxious or offensive, and/or which constitutes a substantial annoyance, convenience or injury to the public; or

(6) *General welfare.* 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 creates a danger to the public health as determined by the state division of public health.

Restraint means when a dog or other animal is controlled by a leash, cord, chain, or under the control of an owner or other responsible person 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.

Secure enclosure means a secure enclosure for a vicious animal when it is not confined in a locked building shall mean a pen, or a fenced area, or a dog-run area, on the premises of its owner or of any other person authorized by the owner to harbor such animal and which pen, fenced area or dog-run area, shall be kept locked, all sides of which shall be six feet in height or, if less than six feet in height, shall have a secured top, and if it has no bottom secured to the sides, then the sides shall be embedded into the ground to a depth of not less than one foot. Any such enclosure shall be subject to inspection by the department of licenses and inspections or by any animal control officer in order to assure compliance with the provisions of this chapter.

Comment [R8]: Definition from 3.1 in Wilmington Code needed to match other adopted language from Wilmington Code defining confinement measures to be taken. See

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 means a domesticated animal for which ownership is not established or for which the owner disclaims future responsibility.

Vicious or dangerous dog or animal means any dog or 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 dog or animal is vicious. This term is further defined in section 18-9(a).

Wild animal means any live monkey (nonhuman primate), raccoon, skunk, fox, poisonous snake, boa, python, leopard, panther, tiger, lion, lynx or any other warm-blooded animal which can normally be found in the wild state.

(Code 1981, § 4-1; Ord. of 8-28-1995)

Sec. 18-2. Appointment of animal control officer, enforcement

(a)The chief of police may appoint persons to act as animal control officers.

(Code 1981, § 4-2; Ord. of 8-28-1995)

(b) No person shall interfere with, hinder, delay, or impede an animal control officer or police officer in the enforcement of the provisions of this article.

(c) No person shall falsely represent to any animal control officer or police officer his or her address or identity as the person possessing, owning, harboring, or caring for the impounded animal,or other required information.

(d) Animal control officers shall have all powers of police officers of the city, limited, however, to the powers and authority incident to the enforcement of this chapter and other statutes, ordinances and regulations concerning the regulation of animals and fowl. The SPCA, or other agency authorized by ordinance to enforce this chapter, shall be designated an instrumentality of the city created pursuant to Title 9, Del.C., only for the purpose of immunities conferred on said agency, and its employees by the Tort Claims Act, 10 Del.C., Chapter 40, unless otherwise provided by said authorizing ordinance.

(e) Any person convicted of a violation of subsections (a) and (b) of this section shall pay a mandatory minimum fine of not less than $250.00 for the first offense, not less than $500.00 for the second offense, and not less than $750.00 for each subsequent offense.

Comment [R9]: Word dangerous is used in later provisions

Comment [R10]: Newark uses term "Exotic" as already noted and makes DE Code references that may be more precise than the "wild" usage in current Dover chapter 18. Although in the definitions, there do not appear to be any further references in the Dover chapter to "wild" animals.

Comment [R11]: Enforcement language taken from Wilmington code at 3.5

Comment [R12]: These enforcement provisions are taken from Newark Code at 5-18. Dover Chapter 18 does not have enforcement provisions except to authorize the Police Chief to appoint an animal control officer at 18-2.

Sec. 18.....Inspection of buildings, dwellings, etc., generally; right of entry of animal control officers.

Comment [R13]: Inspection section currently not in Dover Code. Taken from Wilmington code at 3.3

(a) The animal control officer shall have the right to enter upon any outside premises at all reasonable times for the purpose of discharging the duties imposed upon them by this chapter where they deem it necessary for the welfare of an animal.

(b) The code official is hereby authorized to make inspections to determine the condition of buildings, dwellings, and premises including the land on which the same are located and including vacant lots, located within this city, in order that he may perform his duty of safeguarding the health and safety of the occupants of buildings, dwellings and land, and the general public. For the purposes of making such inspections, the code official is hereby authorized to enter, examine and survey between the hours of 8:00 a.m. and 5:00 p.m. all buildings, dwellings, lands and premises. The owner or occupant of every building, dwelling, land and premises, or the person in charge thereof, shall give the code official free access to such building, dwelling, land and premises during such time for the purpose of such inspection, examination and survey; provided, that such inspection, examination or survey shall not have for its purpose the undue harassment of such owner or occupant and that such inspection, examination or survey shall be made so as to cause the least amount of inconvenience to such owner or occupant consistent with the efficient performance of the duties of the code official.

(c) Nothing in this section shall be construed to prohibit the entry of the code official: (1) At any time when an actual emergency which tends to create an immediate danger to public safety exists, or (2) at any time when such an inspection, examination or survey may be requested by such owner or occupant; provided, however, that any such requested inspection, examination or survey is otherwise authorized and, further, that nothing herein shall be construed to mean that the code official is required to perform such requested inspection, examination or survey.

(d) For purposes of this section and the enforcement provisions of this Code, "code official" shall mean and include the department of licenses and inspections, the city police department, the state S.P.C.A or other designated authority charged with the administration and enforcement of this Code and chapter, and a duly authorized representative. The lead agency in the city government in enforcing this provision is the city police department.

Sec. XX. Restriction on the number of animals allowed.

(a) It shall be unlawful for any person to possess, own, harbor, or care for more than four animals within the city except that a litter of puppies, kittens, or other young animals which may be kept for a period of time not exceeding five months from birth, as long as the mother is on the premises. The intent of this section is to restrict the number of animals to four within any household or other location unless otherwise exempted. The animal control officer or police officer is

Comment [R14]: Taken from 5.4 Newark Code. Dover has provision in Zoning Code at 1.15 (d), but better placed here within Animal Control provisions. Dover zoning restricts number at “not more than three dogs over six months old and not more than 25 fowl”.

authorized to remove animals to reduce the number to that which is authorized by this ordinance.
(b) Pet fish are excluded from this subsection.
(c) This section shall not apply to any establishment where animals are kept in a licensed pet shop for commercial sale or boarding by a licensed facility or at licensed zoos or accredited educational institutions.

) Any person convicted of a violation of this section shall pay a mandatory minimum fine of not less than $250.00 for the first offense, not less than $500.00 for the second offense, and not less than $750.00 for each subsequent offense

Comment [R15]: Fine included here rather than at end of chapter to better associate specific fine with specific violation.Taken from Newark at 5.4 (d).

Sec. 18-3. Keeping swine.

It shall be unlawful and a nuisance for any person to keep any swine or to erect any pen, pigsty or other building or enclosure for the keeping of swine, without a permit, in writing, therefor from the health inspector. The health inspector 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 city that has been subdivided.
(Code 1981, § 4-3; Ord. of 8-28-1995)

Comment [R16]: Delete this and substitute Farm Animal definition and references as in Newark's ordinance at 5.1

Comment [R17]: A fine provision will have to be added here. Currently fine is at 18-17 (a) (2) 'not less than $25 or more than $100 for each violation".

Sec. 18-4. Running at-large.

(a) *Permitting unlawful.* It shall be unlawful for any person to permit any animal to run at-large.
(b) *Duties of police and animal control officer.* 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 headquarters 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 for humane reasons, or to protect the public from imminent danger to persons or property.
(c) *Authority of citizens.* Any citizen of the city 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.
(d) *Notice to owner.* 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, within a reasonable time, either personally or by a written notice left at his usual place of abode or, if unknown, by five or more written or printed notices posted in public places within the city.
(Code 1981, § 4-4; Ord. of 8-28-1995)

Any person convicted of a violation of this section shall pay a mandatory minimum fine of not less than $50.00 for the first offense, not less than $100.00 for the second offense, and not less than $150.00 for each subsequent offense..

Comment [R18]: Taken from 5.5 (d) Newark Code. Dover at 18-17 (2) has fine of "not less than $#25.00 or more than $100 for each violation of 18-4 "running at large" prohibition.

~~**Sec. 18-5. Dog licenses required.**~~
~~(a) Generally. The owner or lawful possessor of any dog shall obtain a license for his dog pursuant to 7 Del. C. § 1702, and any owner or possessor who shall fail to comply with the provision of the laws of the state shall be punished as provided in section 1-17.~~
~~(b) Enforcement. The provisions of this section may be enforced by any police officer or by any person designated to act as an animal control officer.~~
~~(Code 1981, § 4-4.1; Ord. of 8-28-1995)~~

Sec. XX. Dog license; rabies vaccination for dogs and cats required.

Comment [R19]: Taken from Newark at 5.14

(a) No person residing within the city shall possess, own, harbor, or care for a dog over the age of six months unless such dog is currently licensed and is wearing a tag or other device as provided by state law.
(b) Any person residing within the city possessing, owning, harboring, or caring for a dog or cat six months of age or older shall have the dog or cat vaccinated against rabies by a veterinarian and shall ensure the animal continues to receive the required vaccinations to maintain its immunity to rabies. The person possessing, owning, harboring, or caring for the dog or cat shall be responsible for keeping a valid rabies vaccination certificate in his possession for inspection by the animal control officer.

(c) Any person convicted of a violation of subsection (a) of this section shall pay a mandatory minimum fine of not less than $50.00 for the first offense, not less than $100.00 for the second offense, and not less than $150.00 for each subsequent offense. Any person convicted of a violation of subsection (b) of this section shall pay a mandatory minimum fine of not less than $100.00 for the first offense, not less than $200.00 for the second offense, and not less than $300.00 for each subsequent offense.

Comment [R20]: Dover Code at 18-17 (a) (2) has fine provision for violation of 18-5 License at "not less than $25 or more than $100 for each violation".

) Exemptions from license fees. License fees shall not be required for Seeing Eye dogs, government police dogs or dogs belonging to a nonresident of the city and kept within the boundaries of the city for not longer than 30 days; provided, that all dogs of nonresidents shall at the time of entry into the city be properly vaccinated against rabies, and while being kept within the city, shall meet all other requirements of this chapter. Any owner claiming either of these exemptions has the burden of proving to the satisfaction of the licensing authority that the dog in question is used in one of such capacities.

Comment [R21]: Wilmington has this exemption at 3.9 (e)

Restraint and confinement; penalties for violation of section.

Comment [R22]: Taken from Wilmington at 3-11. These provisions are not in the current Dover code. They cover critical issues that should be included.

(a) All animals shall not only be kept under restraint at all times, but also, while on any public street, highway, lane, alley, or sidewalk, or in or on any part of any public park or parkland, public square, or other public space, or in or on any open space that is private property without the consent of the owner, shall be secured by a leash or chain of sufficient tensile strength to restrain the particular animal and shall be securely muzzled as may be required by subsection (d) of this section. If, in any park that is located partly or entirely in the city, there is a designated area for dogs to be without a leash or chain, but with their owners or other responsible persons, then the requirement of a leach or chain shall not apply but only within such designated area.

(b) No owner shall fail to exercise proper care and control of his domestic animals to prevent them from becoming a public nuisance.

(c) Every female dog or cat in heat shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

(d) (1) Every dangerous animal shall be confined by its owner or authorized agent of its owner within a building or secure enclosure and, whenever off the premises of its owner or the owner's agent, shall be securely muzzled and be restrained with a chain having a minimum tensile strength of 300 pounds and not more than three feet in length, or be caged. Every person harboring a dangerous animal is charged with an affirmative duty to confine his animal in such a way that children do not have access to such animal. No person shall own or harbor any animal for the purpose of animal-fighting, or train, torment, badger, bait or use any animal for the purpose of causing or encouraging such animal to perpetrate unprovoked attacks upon human beings or domestic animals.

(2) In addition:

a. It shall be unlawful: (i) for any animal to attack any person or another animal with or without the command of its owner; or (ii) for any animal to attack any person or another animal with or at the command of its owner, in which case, the intent of the owner to have the attacking animal injure the person or animal shall be presumed and the attack shall be deemed to be an assault. No one under the age of 18 years may own, control or attempt to control a dangerous animal.

b. It shall be unlawful for any person under the age of 18 years to purchase any dog in the city. It shall be unlawful for any person regardless of age to sell or transfer the ownership of any dog without proof of required inoculations and a license that is valid at the time of such sale or transfer.

c. It shall be the responsibility of the owner of any animal to exercise due diligence to move the animal away from others whenever on any city sidewalk or alley or other area of public access. It shall be unlawful for any owner to permit his or her animal to interfere with pedestrian traffic on any public sidewalk, road, street, alley or other public space. In that regard, any person who is a pedestrian walking without an animal, shall have and be afforded the right-of-way.

(e) Any person convicted of any violation of subsections (a) through (d) of this section, or the parent or guardian of a juvenile found to have violated any of subsections (a) through (d), shall pay a mandatory and nonsuspendable fine of at least the minimum fine for each offense as follows:

(1) For a violation of subsection (a) of this section, a fine of not less than $250.00 nor more than $500.00 for the first offense, a fine of not less than $500.00 nor more than $1,000.00 for the second offense, and a fine of not less than $1,000.00 nor more than $2,500.00 for each subsequent offense, except that the owner of any animal, not within the property limits of its owner or within a vehicle being driven or parked on the public streets which, without provocation, bites a person shall be fined not less than $250.00 nor more than $1,000.00 for the first offense, shall be fined not less than $500.00 nor more than $2,500.00 for the second offense, and shall be fined not less than $1,000.00 nor more than $5,000.00 for each subsequent offense, unless the provisions of subsection (d) of this section apply.

(2) For a violation of subsection (b) of this section, a fine of not less than $250.00 nor more than $1,000.00 for the first offense, a fine of not less than $500.00 nor more than $2,500.00 for the second offense, and a fine of not less than $1,000.00 nor more than $5,000.00 for each subsequent offense.

(3) For a violation of subsection (c) of this section, a fine of not less than $250.00 nor more than $1,000.00 for the first offense, a fine of not less than $500.00 nor more than $2,500.00 for the second offense, and a fine of not less than $1,000.00 nor more than $5,000.00 for the third offense.

(4) For any violation of subsection (d) of this section which shall be classified a misdemeanor, a fine of not less than $500.00 nor more than $1,000.00 for the first offense, and a fine of not less than $1,000.00 nor more than $2,500.00 for each subsequent offense. Upon conviction in any court of an offense under subsection (d) of this section, the court shall cause a report to be forwarded to the state department of natural resources and environmental control. Such report shall contain the name of the defendant, the name of the animal, the license number of the animal, the date of the offense and the date of the conviction. In addition, for each violation, there shall be a mandatory impoundment of the animal and discretionary review by the Delaware Society for the Prevention of Cruelty to Animals to determine whether the animal should be destroyed pursuant to section 3-8. The Delaware Society for the Prevention of Cruelty to Animals may consider any evidence material to whether such animal constitutes a threat to human beings or other animals.

Sec. 18-6. Noisy animals or fowl.

(a) *Prohibited.* No person shall keep or maintain any

animal or fowl which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person in the city. Such action is declared to be a public nuisance and detrimental to the public health and welfare.

(b) *Notice; abatement; fine.* It shall be the duty of every police officer or animal control officer to act upon complaints made by persons concerning animals violating subsection (a) of this section. Each police officer and animal control officer investigating the same shall give 48 hours' notice to the person owning or having control of any animal causing frequent or long continued noise such as to disturb the comfort or repose of persons in the city. The person owning or controlling said animal shall have a period of 48 hours from the date of receipt of said notice to abate the nuisance by disposing of the animal or by controlling the noise emitted by the same. In the event that the person owning or controlling said animal shall fail to do so within said period of time and if the animal continues to cause noise as it has in the past, the person owning or controlling said animal shall be deemed to be maintaining a public nuisance and shall be subject to a fine in the amount prescribed in section 1-17 until such nuisance is abated.

(Code 1981, § 4-5; Ord. of 8-28-1995)

)

It shall be a misdemeanor for any person or custodian to fail to abate the nuisance caused by the frequent, habitual, or long-continued noise of the animal or fowl after receiving notice thereof

Any person convicted of a violation of subsection (c) of this section shall pay a mandatory minimum fine of not less than $100.00 for the first offense, not less than $200.00 for the second offense, and not less than $300.00 for each subsequent offense

Sec. 18-7. 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.

(Code 1981, § 4-6; Ord. of 8-28-1995)

Fine

Sec. 18-8. Excrement.

(a) *Deposits prohibited.* No person having possession, custody or control of any animal shall knowingly or negligently permit any dog or other animal to deposit

Comment [R23]: Newark at 4-13 does not provide for a period like this. Instead a warning notice is issued and remains in effect for six months. If another violation within six months then violation becomes a “misdemeanor” as in 5-13 (c).

Comment [R24]: All the fine references in Dover’s code are incorrectly identified.This one should read 18.17

Comment [R25]: Taken from 5.13 (c) Newark Code. Dover has no such provision.

Comment [R26]: Taken from 5.13 (d) Newark. Dover at 18-17 (a) (3) provides for fine of “not less than $50 or more than $100 foe each violation “ of 18.6 Noisy animals or fowl”.

Comment [R27]: No such provision in Newark and Wiulmington.

Comment [R28]: Will have to include fine provision in final draft. Ciurrent Dover Code at 18-17 (a) (1) provides for a fine of “not less than $10 or more than $100 for each violation”.

excrement upon any gutter, street, driveway, alley, curb or sidewalk in the city, 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 walls, 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) *Removal.* Any person having possession, custody or control of any dog or other animal which deposits excrement in any area other than the private property of the owner of such dog or other animal, as prohibited in subsection (a) of this section, 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 the same in a nonleaking 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 person, or a dog used to assist any other physically disabled person, or the animals used in any police activities of the city or to horses used by persons for the purpose 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 persons authorized to enforce ordinances.

(e) *Compliance.* 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 subsection (a) of this section.

(f) *Accumulations.* Every owner of, or person responsible for, one or more dogs or cats shall take all reasonable measures to prevent the accumulation of 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.

(g) *Violations; penalties.* Any person convicted of violating the provisions of this section shall be punished as provided in section 1-17. Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.

(Code 1981, § 4-7; Ord. of 8-28-1995; Ord. of 9-22-2003)

Comment [R29]: Reference should read 18-17 at (a) (2) where fine provision is ":not less than $25 or more than $100 for each violation". See blue insert for Newark fine .

) Any person convicted of a violation of subsection (a) of this section shall pay a mandatory minimum fine of not less than $100.00 for the first offense, not less than $200.00 for the second offense, and not less than $300.00 for each subsequent offense. Any person convicted of a violation of subsection (c) of this section shall pay a mandatory minimum fine of not less than $50.00 for the first offense, not less than $100.00 for the second offense, and not less than $150.00 for each subsequent offense.

Comment [R30]: From 5-6 (d) Newark Code.Will have to correct to show specific subsections for specific violations.

Sec. 18-9. Vicious dogs and animals--Generally.

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

Vicious dog or animal means:

(1) *Attitude of attack.* 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;

(2) *Dangerous.* Any dog or animal, with a known propensity, tendency, or disposition to attack unprovoked, causes injury or otherwise endangers the safety of human beings or domestic animals;

(3) *Attacks.* 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;

(4) *Dogfighting.* Any dog owned or harbored primarily or in part for the purpose of dogfighting or any dog trained for dogfighting; or

(5) *Unlicensed.* Any dog not licensed according to state, county, or city law.

(b) *Tort; abuse of animal; crime.* Notwithstanding the definitions of a vicious dog or animal as set forth in subsection (a) of this section, 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 premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog or animal, , or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal or was committing or attempting to commit a crime.

(c) *Defending human being.* 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, a person 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) *Destruction of animal generally.* Any vicious domestic animal, any wild animal, or any sick or injured animal, other than a dog carrying a current license tag, may be destroyed immediately after impounding. Any other animal shall be held for three days, except that dogs carrying a current license tag shall be held for five days.

(e) *Destruction for public safety or humane reasons.* When, in the judgment of the animal control agency, 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.

(Code 1981, § 4-8; Ord. of 8-28-1995)

Any person convicted of a violation of this section shall pay a mandatory minimum fine of not less than $250 for the first offense, not less than $500 for the second offense, and not less than $750 for each subsequent offense

Comment [R31]: Taken from 5.3 c Newark. Dover Code at 18-17 (a) (4) has fine of $100 for each violation of 18-9 Vicious dogs and animals.

Sec. XX. Pit bull terrier dogs.

Comment [R32]: Taken from Wilmington 3-16, these are the ownership provisions that will apply to owners of pit bull terrier dogs.

(a) Only persons 21 years of age or older who have complied with the licensing and registration requirements, shall be allowed to own, keep or harbor a pit bull terrier inside the city limits. Such ownership is subject to the following conditions:

(1) All pit bull terriers in the city must be licensed and registered by June 16, 2000 . Newly acquired pit bull terriers or pit bull terriers belonging to people moving into the city must be licensed and registered within 30 days of the event. Documentation showing acquisition of the new dog (bill of sale or adoption contract) and/or relocation to the city, as evidenced by a signed lease or purchase agreement, will be required to register a pit bull terrier after June 16, 2000. For purposes of registration, the owner shall provide the following:

Comment [R33]: All date references will have to be modified when a final draft is prepared.

a. A photograph of the animal showing its size and color;

c. Proof of owner's age through valid state issued identification card (e.g., driver's license) or certified birth certificate;

d. Proof of owner's address through two documents, one of which must contain a photograph, the other being in

the form of a utility bill, mortgage payment or lease;
e. Certification by a licensed veterinarian that the pit bull terrier has been neutered or is incapable of enduring neutering (in the case of a male dog) or the pit bull terrier has been spayed or is incapable of enduring spaying (in the case of a female dog). Under no circumstances shall a pit bull terrier who has not been neutered or spayed be registered, except where the dog meets the criteria of subsection (2) of this section. A provisional registration will be issued valid through the date the dog reachessix months of age if the pit bull terrier is incapable of enduring the procedure because it is too young as certified by a licensed veterinarian and all other registration requirements have been satisfied. The pit bull terrier shall be fully registered subject to undergoing the procedure within the effective period of the provisional registration; veterinarian certification shall be provided no later than ten days after the procedure has been performed while the provisional registration is in effect; and
f. Proof of home ownership (e.g., deed, homeowner's policy, mortgage coupon) or lease with express written permission from the landlord allowing said dog to be harbored on the premises.
(2) A provisional registration will be granted for a period of 12 months, subject to renewal, if the following criteria are met:
a. The dog is American Kennel Club (AKC) and/or United Kennel Club (UKC) registered and has actively competed as a show dog in either AKC or UKC sanctioned events within the past year;
b. The dog has passed a dog obedience class;
c. The dog is certified annually as a "canine good citizen" by the AKC; and
d. The owner has complied with the registration requirements set forth in subsection (1)(a), with the exception of (1)(a)e.
(3) The tag issued under section 3-10 of this chapter shall be attached to the pit bull terrier's collar and the collar and tag shall be worn by the animal at all times.
(4) Upon registration, the document issued shall be carried by the owner at all times and the owner must produce it upon request. Whenever the pit bull terrier leaves the premises, the registration information must be carried by the person who is in possession of the dog.
(5) Whenever the pit bull terrier is in public, it

shall at all times be kept in accordance with the requirements of section 3-11 except that pit bull terriers shall be secured by a leash or chain not to exceed six feet in length. Under no circumstances shall a person under the age of 21 accompany a pit bull terrier without the registered owner present unless the person and the dog are within 100 feet of the dog's residence and the dog is leashed in accordance with the provisions of this subsection. It shall beunlawful for the owner of any registered pit bull terrier to allow the pit bull terrier to enter any park located partly or entirely within the city without a muzzle, whether accompanied by the owner or not.

(6) The owner of a pit bull terrier must, within ten days of the incident, report in writing, the following information to the city:

a. The removal from the city or death of a licensed and registered pit bull terrier;

b. The new address of the pit bull terrier owner should the owner move; or

c. Transfer of dog ownership to another party. The new owner must comply with all requirements set forth herein for registration of pit bull terriers within 30 days of transfer, as set forth in subsection (a)(1).

(7) Breeding of pit bull terriers in the city is strictly prohibited. For violations of this provision, all puppies shall be seized and become the property of the state S.P.C.A. for appropriate disposition. The provisional registration of the animal shall be revoked unless immediate action is taken by the owner to comply with the spay/neuter requirement, and fines shall be levied pursuant to section 3-16(d).

(c) The registration requirements of this section shall not apply to:

(1) A person temporarily holding a pit bull terrier in the city for the purpose of showing the dog in a place of public exhibition, contest, or show sponsored by a dog club, association or similar organization. The sponsor of the exhibition or show must obtain written permission from the city and must provide protective measures adequate to prevent the dog from escaping or injuring the public. The dog shall, at all times during the transportation to and from the show or exhibition, be confined in a secure temporary enclosure.

(2) A pit bull terrier owned by a governmental entity or by a licensed security service, provided the animal is trained and used to perform police, correctional, fire or search and rescue services, or any service dog

trained by a certified guide dog agency and providing service to a handicapped individual.
(3) Any dog housed at the Delaware Humane Association.

(d) A violation of any provision of this section shall result in the pit bull terrier being confiscated and impounded. A fine of $500.00 for any single or initial violation and of $1,000.00 shall be assessed for each repeat or continuing violation.

Registration of dangerous animals and public nuisance animals.

As determined by the state S.P.C.A., any dog of any breed, or mixed breed, meeting the criteria set forth in the definition of dangerous animals or public nuisance animals, subsections (1), (2), or (3), shall be registered according to the requirements set forth in section 3.16(b) within ten days of being declared a dangerous animal or public nuisance animal, and enforcement provisions set forth in 3.16(d) and (e) shall apply.

Comment [R34]: This fine provision was left out of the "red" draft because all fines were suggested for a separate section.However, placement of fine provisions throughout the chapter is the preferred method to avoid going back and forth to determine which fine goes with which violation, as in the current Dover Code.

Comment [R35]: Taken from Wilmington Code at 3-17, these provisions require the registration of dangerous and public nuisance animals. The sec references will have to be determined when a final draft is prepared.

(e) The provisions of this section shall apply in addition to and not in lieu of the animal control provisions of this Code, including but not limited to provisions concerning the licensing of dogs, standards for keeping dogs and the keeping, confinement and impoundment of dangerous domestic animals or public nuisance animals.

Sec. 18-10. Same--Seizure and impoundment.
(a) *Person bitten.* 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 city 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 days in a city-approved animal shelter or veterinary facility, at the expense of the owner.
(b) *Confinement.* If the owner of a dog or cat that has bitten a person can provide proof of a currently valid rabies vaccination, that dog or cat may be quarantined on the premises of the owner or custodian.
(c) *Impoundment if not confined.* Any dangerous or vicious animal may be impounded by an animal control officer or police officer to protect the public safety. Said impoundment will be in a city-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.confined in accordance with sec.---of this chapter.
(Code 1981, § 4-9; Ord. of 8-28-1995)
State law references: Similar provisions, 3 Del. C. § 8208.

Comment [R36]: This language will have to be revised in the final draft to refer to the section that describes the confinement requirements as taken from Wilmington's code.See blue insert

) Any person convicted of a violation of this section shall pay a mandatory minimum fine of not less than $250.00 for the first offense, not less than $500.00 for the second offense, and not less than $750.00 for each subsequent offense.

Comment [R37]: Taken from 5-17 (d)Newark Code, Dover Code does not appear to have a fine provision for when an animal bites someone.

Sec. 18-11. Abandonment of 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 the right-of-way of any public highway, road or street, or on the property of another.
(Code 1981, § 4-10; Ord. of 8-28-1995)

Fine ?

Comment [R38]: Dover Code does not include a fine for violations of 18-11. One needs to be provided here.

Sec. 18-12. Cruelty.

Comment [R39]: Dover's Code is very limited in this section,eg, no reference to fighting with animals, vehicle incidents, etc.Wilmington code is much more inclusive.See next blue insert.

No person shall:
(1) *Ill-treatment.* 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.
(2) *Food or shelter.* Deprive any animal of necessary sustenance, food, drink, or shelter.
(3) *Cruelty.* Willfully set on foot, instigate, engage, or in any way further any act of cruelty to any animal.
(4) *In vehicle.* 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.
(5) *Causing or permitting.* Cause any of the above or, being the owner of an animal, permit such acts to be done by another.
(Code 1981, § 4-11; Ord. of 8-28-1995)

Proper and humane care of domestic animals required; penalties for violation of section.

Comment [R40]: This is from Wilmington Code at 3-14

(a) No owner shall fail to provide his domestic animal with humane care and treatment, sufficient good and wholesome food and water, proper shelter and protection from the weather and veterinary care when needed to prevent suffering.

(b) No person shall beat, cruelly ill treat, torment, overload, overwork or otherwise abuse a domestic animal, or cause, instigate or permit any dogfight, cockfight or other combat between domestic animals or between domestic animals and humans, or train said animal to do so.

(c) No owner of an animal shall abandon such animal.

(d) No person other than a licensed veterinarian shall crop a dog or other animal's ears.

(e) No person shall give away any live animal, fish, reptile or bird as a prize for, or as an inducement to enter, any contest, game or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

(f) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; if the owner cannot be ascertained and located, such operator shall at once report the accident to the city police or the Delaware Society for the Prevention of Cruelty to Animals.

(g) No person, except a police officer or game warden, shall place poison of any description in any place on his premises, or elsewhere where it may be easily found and eaten by domestic animals.

(h) Penalties for violations of this section are as follows:

(1) For violations of subsection (a) of this section, a minimum fine of $250.00 up to $1,000.00 for the first offense. For the second offense, the mandatory $5,000.00, or up to 30 days imprisonment or by both such fine and imprisonment. No part of the minimum fine may be suspended.

(2) For violations of subsection (b) of this section, a fine of not less than $250.00 and not more than $1,000.00, or imprisonment for up to 30 days, or both such fine and imprisonment. For a second offense, a minimum mandatory fine of $500.00 and a maximum of $2,500.00, or imprisonment of up to 30 days, or both such fine and imprisonment. Three or more offenses shall carry a mandatory minimum fine of $1,000.00, which shall not be suspended, with a maximum of $5,000.00, plus a minimum mandatory jail sentence of 14 days.

(3) For violations of subsections (c), (d), (e), (f) and (g) of this section, minimum fines of $250.00 and maximum fines of $1,000.00 for the first offense shall be imposed. For the second offense, the minimum fine of $500.00 and the maximum fine of $2,500.00 shall be imposed. For subsequent offenses, the minimum mandatory fine shall be $1,000.00 and up to $5,000.00, which shall not be

suspended, or imprisonment of up to 30 days, or by both such fine and imprisonment.

Sec. 18-13. Public nuisances.

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

(b) *Impoundment.* Every public nuisance animal shall, upon demand, be delivered to the animal control officer or a 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. 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.

Comment [R41]: There should be a citation to the applicable method of redemption section inserted here.

Any person convicted of a violation of this section shall pay a mandatory minimum fine of not less than $250.00 for the first offense, not less than $500.00 for the second offense, and not less than $750.00 for each subsequent offense.

Comment [R42]: Taken from 5.5 (d) Newark Code. Dover Code at 18-17 (a) (2) provides for a fine of "not less than $25 or more than $100 for each violation of 18-13 "public nuisance" violations.

(c) *Unredeemable animals.* Any animal found unredeemable shall be disposed of in a humane manner. Impoundment of said animal is at the owner's expense.

(Code 1981, § 4-12; Ord. of 8-28-1995)

Sec. 18-14. Impoundment of dogs at-large and nuisance animals.

Dogs at-large and nuisance animals may be taken by an 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 shall be issued a summons for a violation of this chapter.

Comment [R43]: What does the summons require the owner to do ?shouldn't this be spelled out here ?

(Code 1981, § 4-13; Ord. of 8-28-1995)

. Sick, injured, or dead animals.

Comment [R44]: Taken from Newark Code at 5-12. Dover does not have any provision like this in its current animal control chapter.

(a) Disposal. No person shall deposit, place, or throw any dead or sick animal or fowl, or part thereof, on any public or private place. When any animal dies on the premises of the person possessing, owning, harboring, or caring for such animal, he shall dispose of such animal immediately by burial or removal to a veterinarian or to the SPCA or the humane society. Animals may be buried on the private property of the person owning, possessing, harboring, or caring for such animal, or other private property with the permission of the property owner.

(b) Conveyance. No person shall carry or convey any dead animal through or upon the street or public place unless the same is so covered that no part of it is exposed to view and no odors can emanate therefrom.
(c) Any person convicted of a violation of subsection (a) of this section shall pay a mandatory minimum fine of not less than $500.00 for the first offense, not less than $1,000.00 for the second offense, and not less than $1,500.00 for each subsequent offense. Any person convicted of a violation of subsection (b) of this section shall pay a mandatory minimum fine of not less than $100.00 for the first offense, not less than $200.00 for the second offense, and not less than $300.00 for each subsequent offense.

Sec. 18-15. Destruction of animals.

Except as prescribed in section 18-9(e), destruction of animals shall be performed at a designated animal shelter or veterinary facility.
(Code 1981, § 4-15; Ord. of 8-28-1995)

Comment [R45]: Section reference will have to be corrected in final draft, making certain that all sections that provide for destruction outside a facility are included here.

Sec. 18-16. Keeping bees.

(a) *Location of beehives from structures and businesses.* Beehives for the housing of bee colonies shall not be located closer than 150 feet from residential structures, hospitals, public eateries, churches, offices or schools.
(b) *Maintenance permitted at educational and farm facilities; exemption.* Universities, colleges, museums and farms of two acres or more may maintain hives on their properties in a safe manner, provided that the hives meet a 40-foot setback requirement from buildings on adjacent properties. Universities, colleges, museum facilities and farms of two acres or more are exempt from the 150-foot setback requirement for buildings that are located on their properties.
(c) *Declared nuisance; removal.* Any beehive that is declared a nuisance by a majority vote of the city council may be required to be removed or relocated.
(Code 1981, § 4-16; Ord. of 12-11-1995)

Comment [R46]: There is evidently history associated with this provision. No comparable provisions are in either Wilmington or Newark Codes.

Sec. 18-17. Violations; fines.

(a) Any person convicted of a violation of this chapter shall pay a mandatory and nonsuspendable fine of at least the minimum fine for each offense as follows:
(1) Any person convicted of violating the provisions of section 18-7 shall be sentenced to pay a fine not less than $10.00, or more than $100.00 for each violation.
(2) Any person convicted of violating the provisions of sections 18-3, 18-4, 18-5, 18-8, and/or 18-13 shall

Comment [R47]: Both Wilmington and Newark include fines in sections where provisions are stated rather than in a summary section like this. By placing the fines with the applicable provisions, one can more easily apply them. The current Dover code requires flipping back and forth between the fine section at 18-17 and all the other sections of the chapter.

be sentenced to pay a fine of not less than $25.00, or more than $100.00 for each violation.

(3) Any person convicted of violating the provisions of section 18-6 shall be sentenced to pay a fine not less than $50.00, or more than $100.00 for each violation.

(4) Any person convicted of violating the provisions of sections 18-9, and/or 18-12 shall be sentenced to pay a fine of $100.00 for each violation.

(b) Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.

(Code 1981, § 4-14; Ord. of 8-28-1995; Ord. of 9-22-2003)

. Interpretation.

This chapter is to be interpreted in a manner which allows the greatest protection of the citizenry of this city and the most humane treatment of animals, while allowing the greatest possible freedom to well-trained animals under control of a competent person

Comment [R48]: Taken from Wilmington at 3.2.Topic not addressed in Chapter 18 Dover Code.

Parks, Recreation & Library Update

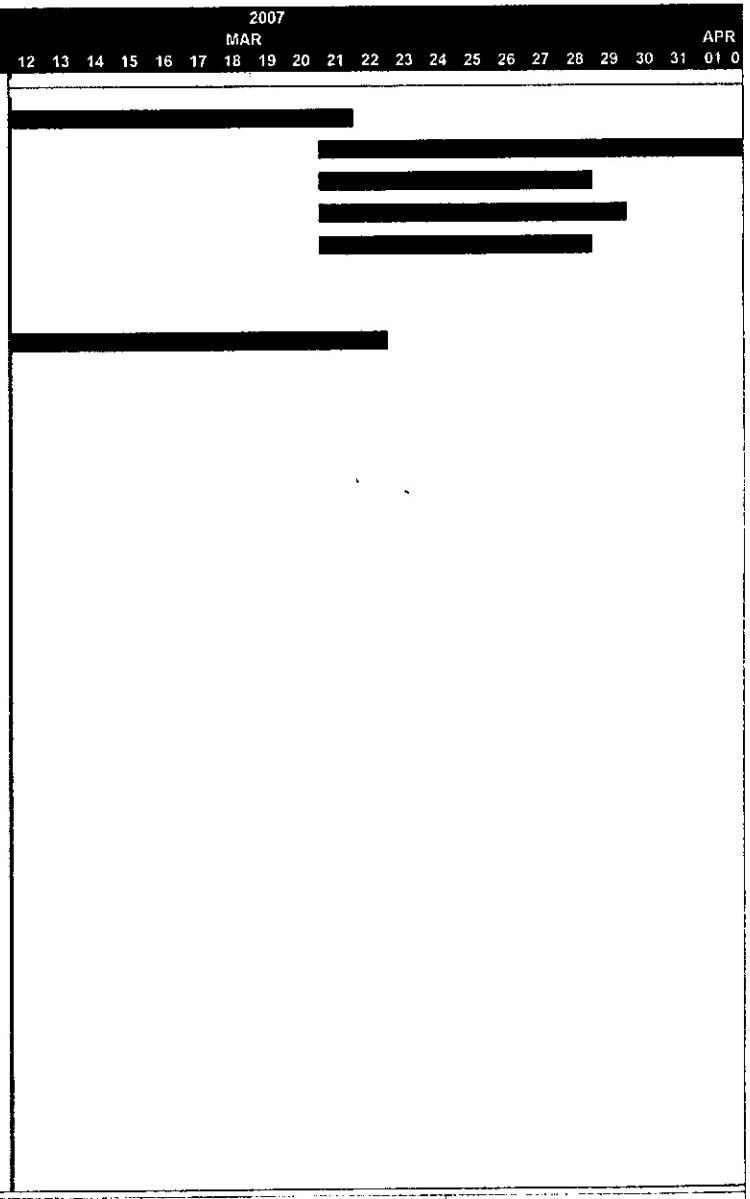
John W. Pitts Recreation Center

- Progress meeting held on April 17th with architect, city staff, and contractor
- Staff reviewed & approved gymnasium equipment shop drawings
- Architect, city staff and contractors met with Dover Fire Marshall on April 16th to discuss building plan
- Due to rain there was no site work during the week of April 16 – 20th. Work expected to resume on April 23rd (weather permitting)
- Staff & architect selected exterior brick color
- Preliminary construction schedule from contractor attached
- Soil compaction studies are being reviewed for proper material selection for site

Planning and Funding for New Library

- City staff and City Manager met with Kent County department of Community Services & Library to discuss our building plans for anchor library
- Bond Bill hearing scheduled for May 10th @ 11 AM

Description	Rem Dur	% Comp.	Early Start	Early Finish
Site	**38 ***	**0**	**03/12/07**	**05/03/07**
Erosion & Sediment Control	7	0	03/12/07	03/21/07
Earthwork	15	0	03/21/07	04/11/07
Sewer / Pump Station	5	0	03/21/07	03/28/07
Storm	6	0	03/21/07	03/29/07
Water	5	0	03/21/07	03/28/07
Stone Base Course	6	0	04/11/07	04/19/07
Concrete	10	0	04/19/07	05/03/07
Return Topsoil / Seed	8	0	03/12/07	03/22/07
Paving	5	0	04/19/07	04/26/07
Striping	1	0	04/26/07	04/27/07
Building	**162 ***	**0**	**05/03/07**	**12/17/07**
Padsite	5	0	05/03/07	05/10/07
Layout	3	0	05/10/07	05/15/07
Footings	15	0	05/15/07	06/05/07
Piers	20	0	05/15/07	06/12/07
Slab prep	15	0	07/03/07	07/24/07
Slab	5	0	07/24/07	07/31/07
Steel	20	0	07/31/07	08/28/07
Roofing	14	0	08/28/07	09/17/07
Exterior Walls	20	0	09/24/07	10/22/07
Kalwall	10	0	10/22/07	11/05/07
Trim	10	0	10/22/07	11/05/07
Storefronts	10	0	09/05/07	09/19/07
Alcoves	6	0	08/28/07	09/05/07
Lobby	6	0	08/28/07	09/05/07
Carpets	4	0	10/25/07	10/31/07
Ceramic tile	3	0	10/18/07	10/23/07
Paint	10	0	10/18/07	11/01/07
Gym Flooring	10	0	11/01/07	11/15/07
Gym Equipment	8	0	11/01/07	11/13/07
Entry / Canopy	6	0	08/28/07	09/05/07
EIFS	3	0	09/05/07	09/10/07
CMU Foundation	5	0	06/05/07	06/12/07
Interior Masonry	8	0	09/17/07	09/27/07



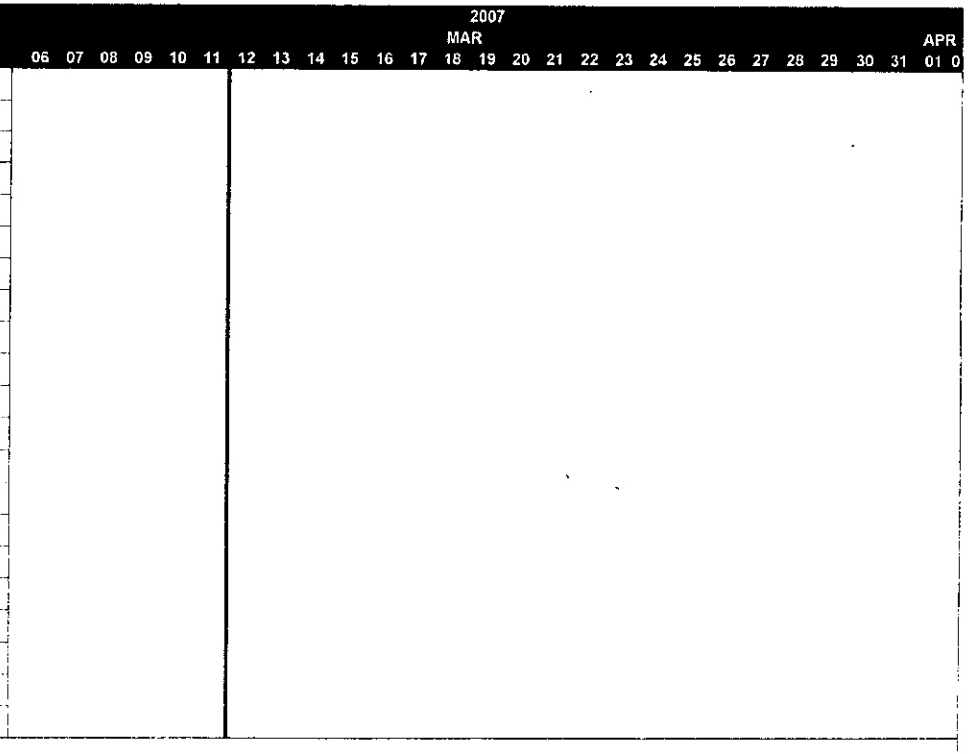
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Page number	1A

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John Pitts Recreation Center

Early bar
Progress bar
Critical bar
Summary bar
Progress point
Critical point
Summary point
Start milestone point
Finish milestone point

Description	Rem Dur	% Comp.	Early Start	Early Finish
Interior Carpentry	15	0	09/27/07	10/18/07
Acoustical Ceilings	5	0	10/18/07	10/25/07
Exterior Masonry	19	0	08/28/07	09/24/07
Trash Enclosure	8	0	09/24/07	10/04/07
Mechanical Enclosure	5	0	09/24/07	10/01/07
Electrical underground	20	0	06/05/07	07/03/07
Electrical rough-in	20	0	10/22/07	11/19/07
Electrical Gear	10	0	09/27/07	10/11/07
Electrical Finishes	10	0	10/25/07	11/08/07
Fire Alarm Rough-in	20	0	11/05/07	12/03/07
Fire Alarm Finish	10	0	10/18/07	11/01/07
Sprinkler Rough-in	15	0	10/22/07	11/12/07
Sprinkler Finish	15	0	10/25/07	11/15/07
Plumbing Underground Rough-in	20	0	06/05/07	07/03/07
HVAC Rough-in	30	0	10/22/07	12/03/07
Ductwork	10	0	09/27/07	10/11/07
Pumps & Accessories	10	0	12/03/07	12/17/07
Set Equipment	5	0	12/03/07	12/10/07
Plumbing Fixtures and Finishes	15	0	10/23/07	11/13/07
HVAC start-up	3	0	12/10/07	12/13/07
Test & Balance	1	0	12/13/07	12/14/07



Start date	03/12/07 4:00PM
Finish date	12/17/07 3:59PM
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John Pitts Recreation Center

- Early bar
- Progress bar
- Critical bar
- Summary bar
- Progress point
- Critical point
- Summary point
- Start milestone point
- Finish milestone point

Status of FY-2005 Program Funds Spent - Fiscal Year 7/1/05-6/30/06

2005 Grant Projects	Project Details	Total Grant	Funds Encumbered	Funds Expended	Unencumbered Balance
City Facilities ADA Improvements	water fountains are being installed throughout city buildings.	$35,000		$34,275	$725
*Housing Rehabilitation Program	5 rehabs are underway work began January 18th	$67,838		$66,066	$1,772
Microenterprise Assistance	underway	$15,000		$14,900	$100
Dover Community Partnership, Inc.	219 Cecil rehab is underway	$46,000			$46,000
Total		$163,838		$115,241	$48,597

* Rehab Projects
1500 W. State College Road - completed
75 Mckee Road
30 N. New Street
649 Nimitz Road - completed
397 Post Blvd.

Status of FY-2006 Program Funds Spent - Fiscal Year 7/1/06-6/30/07

2006 Grant Projects	Project Details	Total Grant	Funds Encumbered	Funds Expended	Unencumbered Balance
Home Ownership Assistance	Four (4) First time homebuyers provided settlement assistance	$86,283		$44,595	$41,688
Streets Project	Paving of sidewalks and curbs on South Kirkwood Street completed	$135,000		$128,357	$6,643
Housing Rehabilitation Program	will begin in Spring of 07	$61,300			$61,300
RC & D Emergency Home Repairs	8 homes completed	$25,000		$20,534	$4,466
Dover Community Partnership, Inc.	underway	$25,000			$25,000
Total		$332,583		$193,486	$139,097