

AN ORDINANCE TO AMEND CHAPTER 3 OF THE CITY CODE TO INCREASE THE FINE FOR DOG OWNERS WHOSE DOG BITES SOMEONE WHILE OFF- LEASH

#0489

Sponsor:

Council Member Oliver

Co-Sponsors:

Council Members Cabrera B. Fields White

WHEREAS, dogs bite approximately 4.7 million Americans every year, half of which are children between the ages of 5-9; and

WHEREAS, one out of every five of those bites causes an injury requiring medical attention; and

WHEREAS, dog bites may transmit infections such as rabies; and

WHEREAS, keeping dogs on their leash lessens the chance it will bite another; and

WHEREAS, it is incumbent upon dog owners to ensure their dogs remain leashed; and

WHEREAS, increasing penalties for off-leash bites will promote the behavior of keeping dogs on-leash; and

WHEREAS, City Council deems it necessary and appropriate to increase the penalty for dog bites off-leash.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. Chapter 3 of the City Code is hereby amended by deleting the struck through language and adding the underlined language to read as follows:

Sec. 3-10. – Restraint and confinement; penalties for violation of section.

(d) Any person convicted of any violation of subsections (a) through (c) (~~d~~), or the parent or guardian of a juvenile found to have violated any of subsections (a) through (c) (~~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), a fine of not less than ~~\$250.00~~ \$1,000.00 nor more than ~~\$500.00~~ \$2,000.00 for the first offense, a fine of not less than ~~\$500.00~~ \$2,000.00 nor more than ~~\$1,000.00~~ \$3,000.00 for the second offense, and a fine of not less than ~~\$1,000.00~~ \$3,000.00 nor more than ~~\$2,500.00~~ \$5,000.00 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~~ \$1,000.00 nor more than ~~\$1,000.00~~ \$2,000.00 for the first offense, shall be fined less than ~~\$500.00~~ \$2,000.00 nor more than ~~\$2,500.00~~ \$3,500 for the second offense, and a fine of not less than ~~\$1,000.00~~ \$3,500.00 nor more than \$5,000.00 for each subsequent offense, unless the provisions of subsection ~~(d)~~ (c) apply.
- (2) For a violation of subsection (b), a fine of not less than ~~\$250.00~~ \$1,000.00 nor more than ~~\$500.00~~ \$2,000.00 for the first offense, a fine of not less than ~~\$500.00~~ \$2,000.00 nor more than ~~\$1,000.00~~ \$3,000.00 for the second offense, and a fine of not less than ~~\$1,000.00~~ \$3,000.00 nor more than ~~\$2,500.00~~ \$5,000.00 for each subsequent offense.
- ~~(3) For a violation of subsection (c), 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) ~~(3)~~ For a violation of subsection ~~(d)(1)~~ (c)(1), the penalties and fines shall be consistent with 16 Del. C. § 3079F.
- ~~(5)~~ (4) For any violation of subsection ~~(d)(2)a.~~ (c)(2)(a), and subsection ~~(d)(2)d.~~ (c)(2)d., a fine of not less than ~~\$500.00~~ \$1,000.00 nor more than ~~\$1,000.00~~ \$2,500.00 for the first offense, and a fine of not less than ~~\$1,000.00~~ \$2,500.00 nor more than ~~\$2,500.00~~ \$5,000.00 for each subsection offense. Upon conviction in any court of an offense under subsection ~~(d)(2)a.~~ (c)(2)(a), and subsection ~~(d)(2)d.~~ (c)(2)d., the court shall cause a report to be forwarded to the division of public health office of animal welfare. 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.
- ~~(6)~~ (5) For a violation of subsection ~~(d)(2)b.~~ (c)(2)(b), and subsection ~~(d)(2)e.~~ (c)(2)c., 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.

SECTION 2. This Ordinance shall become effective immediately upon its date of passage by City Council and approval by the Mayor

First Reading.....October 17, 2024
Second Reading.....October 17, 2024
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2024.

Mayor

SYNOPSIS: This Ordinance amends Section 3-10 of the City Code to increase the fine for individuals and owners of dogs who bite others while off-leash. The Ordinance also makes ministerial corrections to the Code.

FISCAL IMPACT STATEMENT: This Ordinance’s fiscal impact should be *de minimis*.