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# TITLE 16

## Health and Safety

### Regulatory Provisions Concerning Public Health

#### CHAPTER 30F. Animal Welfare

##### Subchapter IV. General Provisions Concerning Dogs

#### § 3041F. Definitions.

As used in this subchapter:

(1) "Animal shelter" means a public or private facility which includes a physical structure that provides temporary or permanent shelter to stray, abandoned, abused, or owner-surrendered animals and is operated, owned, or maintained by an incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. "Animal shelter" does not mean individuals providing temporary foster care to animals in their home or animal rescue groups sheltering animals on an individual's private property.

(2) [Repealed].

(3) "Animal welfare officer" means an individual employed by the Department or employed by an independent contractor of the Department or by a municipality for the purpose of enforcing dog control laws, rules, regulations, and ordinances.

(4) "Department" means the Department of Health and Social Services.

(5) "Dog" means any dog or dog hybrid.

(6) "Owner" means any person who owns, keeps, harbors, or is the custodian of a dog.

(7) "Primary enclosure" means any structure used or designed for use to restrict a dog to a limited amount of space, including a room, pen, cage, compartment, or hutch.

(8) "Retail dog outlet" means any premises where dogs are sold, or offered or maintained for sale, on a retail basis. "Retail dog outlet" does not mean any of the following:

- a. Dogs which are produced and raised on such premises and are sold, or offered or maintained for sale, by a person who resides on such premises.
- b. The selling of a single litter of puppies or any part thereof during a calendar year.
- c. Any publicly operated or private, charitable, or nonprofit animal shelter, pound, humane society, or animal rescue organization.

77 Del. Laws, c. 179, § 2 (<https://legis.delaware.gov/SessionLaws?volume=77&chapter=179>); 77 Del. Laws, c. 428, § 6 (<https://legis.delaware.gov/SessionLaws?volume=77&chapter=428>); 80 Del. Laws, c. 248, § 5 (<https://legis.delaware.gov/SessionLaws?volume=80&chapter=248>);

### **§ 3042F. Fees for dog licenses; terms.**

(a) *Dog licenses.* — The Department shall issue dog licenses and may, under § 3045F of this title, authorize agents to issue dog licenses. The Department shall provide applications for the following dog licenses, and may charge reasonable fees not to exceed the cost of administering this subchapter:

(1) *Individual dog owner licenses.* — The owner of any dog 6 months of age or older shall apply to the Department or its duly authorized agents on a form prescribed by the Department for an individual dog owner license for such dog. All individual dog owner licenses shall be valid from the date of purchase for a period of time which the Department shall determine.

(2) *Retail dog outlet licenses.* — Each owner of a retail dog outlet in the State must apply to the Department for a retail dog outlet license on an annual basis. A retail dog outlet license shall be valid for 1 year from the date of purchase.

(3) *Kennel licenses.* — Any person who maintains a kennel wherein more than 4 dogs are kept for show, trial, sale, breeding, or other purposes may apply to the Department, or its agents authorized under § 3045F of this title, on a form prescribed by the Department for a kennel license in lieu of an individual dog owner license for each dog. Kennel licenses shall be valid for 1 year from the date of purchase.

(4) *Replacement dog licenses or tags.* — The Department shall adopt a policy to issue a replacement individual dog owner license, retail dog outlet license, or kennel license, or the tags accompanying such license, and shall set the fees for such replacement licenses or tags.

(5) [Repealed.]

(b) Upon application and payment of the fee for an individual dog owner license, retail dog outlet license, or kennel license, the applicant shall be entitled to receive a license, provided proof of a currently valid rabies vaccination, exemption certificate authorized under § 8204 of Title 3, or other documentation required by the Department can be presented for each dog for which the license is sought. Each individual dog owner license, retail dog outlet license, and kennel license shall show the date on which the license fee is paid. The Department, or its agent authorized under § 3045F of this title, shall issue each license showing the year for which the license is paid and the serial number of the license. Each issued license must be accompanied by either a metal tag or an alternative method of identification, such as a microchip or tattoo. In the event a dog tag is issued, the tag shall be of a design to be adopted by the Department, and shall be affixed to the collar by the owner of such dog. Dog collars with associated state tags may be removed and need not be worn at all times when the dog is licensed under a kennel or retail dog outlet and is housed in an enclosure or a pen. If the collar has been removed, a valid dog tag and license must be readily available for review by an animal welfare officer as proof that the individual dog is licensed. Dogs engaged in the act of hunting are exempted from wearing tags while they are in the act of hunting, but individuals hunting with dogs must have some means of valid identification on the dog, and a valid dog tag and license must be available for review by an animal welfare officer while the dog is in the act of hunting.

(c) Whoever fails to secure a valid dog license, retail dog outlet's license, or kennel license when required by this section shall be fined not less than \$50 and not more than \$500. For each subsequent offense occurring within 12 months of a prior offense, the person shall be fined not less than \$100 and not more than \$500. The minimum fine for a subsequent offense shall not be subject to suspension. Conviction for the failure to pay the license fee is a violation.

(d) The Department may revoke any individual dog owner license, retail dog outlet license, or kennel license previously issued, and may deny any person the right to secure any such license for a period of time within the Department's discretion, if the licensee or person has been convicted of animal cruelty under the laws of Delaware or any state or federal law.

(e) The license fee set by the Department pursuant to subsection (a) of this section shall not be required to be paid when the dog is one which qualifies as a seeing-eye, lead, or guide dog or as a dog which has previously served in a branch of the United States armed forces. The Department shall issue either a metal license tag or an alternative method for identification in accordance with subsection (b) of this section for such dogs without the necessity of the payment of the dog license fee.

(f) Individual, retail, or kennel licenses previously issued by a county or the City of Wilmington remain valid until their predetermined expiration dates.

77 Del. Laws, c. 179, § 2 (<https://legis.delaware.gov/SessionLaws?volume=77&chapter=179>); 77 Del. Laws, c. 428, § 6 (<https://legis.delaware.gov/SessionLaws?volume=77&chapter=428>); 80 Del. Laws, c. 248, § 5 (<https://legis.delaware.gov/SessionLaws?volume=80&chapter=248>); 82 Del. Laws, c. 262, § 2 (<https://legis.delaware.gov/SessionLaws?volume=82&chapter=262>);

### **§ 3043F. Inspections of facilities and premises; suspension of kennel or retail dog outlet license.**

(a) Animal welfare officers are hereby authorized to inspect the facilities for which a kennel or retail dog outlet license is sought or obtained during normal business hours or by appointment for the purpose of ascertaining whether the facilities satisfy the requirements specified in § 3044F of this title for the humane handling, care and treatment of dogs. No person may refuse admittance to an animal welfare officer for the purpose of making inspections.

(b) Any animal welfare officer having probable cause to believe a violation of § 3044F of this title has or is taking place may enter upon the premises of the owner or custodian of any dog subject to such violation for purposes of investigating whether a violation of § 3044F of this title has occurred, provided that the investigation can be conducted without the animal welfare officer having to enter a dwelling house or other structure used in connection therewith. An animal welfare officer may enter into a dwelling house or other structure only under either of the following circumstances:

- (1) With the permission of the owner or occupant of the dwelling house or other structure.
- (2) Pursuant to a legally obtained search warrant.

(c) If, upon inspection or investigation, the premises or facilities are found not to satisfy the requirements specified in § 3044F of this title for the humane handling, care, and treatment of dogs, the operator of such premises or facilities shall be issued a warning identifying the deficiencies. Such operator shall have a warning period of a minimum of 10 business days to bring the premises or facility into compliance with § 3044F of this title, but the Department may extend the warning period by up to 60 days. If, upon expiration of the warning period, such premises or facilities have not been brought into compliance, the operator shall be fined in accordance with the terms specified in § 107(a) of this title. The Department may also issue an order suspending the kennel license or retail dog outlet license, if any, until the cited deficiencies are remedied. The licensee is entitled to an administrative review of such order as established by the Department in accordance with the Administrative Procedures Act (§ 10101 et seq. of Title 29).

(d) Whenever the Department suspends a license in accordance with this section, an animal welfare officer may seize and impound any dog in possession, custody, or care of the person whose license is suspended if there are reasonable grounds to believe that the dog's health, safety, or welfare is endangered.

77 Del. Laws, c. 179, § 2 (<https://legis.delaware.gov/SessionLaws?volume=77&chapter=179>); 77 Del. Laws, c. 428, §§ 1, 6 (<https://legis.delaware.gov/SessionLaws?volume=77&chapter=428>); 80 Del. Laws, c. 248, § 5 (<https://legis.delaware.gov/SessionLaws?volume=80&chapter=248>); 81 Del. Laws, c. 96, § 2 (<https://legis.delaware.gov/SessionLaws?volume=81&chapter=96>);

### **§ 3044F. Specifications for the humane handling, care, and treatment of dogs.**

(a) *General facilities.* — (1) *Structural strength.* — Housing facilities for dogs shall be designed and constructed so that they are structurally sound. They shall have no sharp points or edges that could injure the dogs, and they shall contain the dogs securely and restrict other animals from entering.

(2) *Storage*. — Supplies of food and bedding shall be stored in a manner that protects the supplies from spoilage, contamination, and vermin infestation. Foods requiring refrigeration shall be stored accordingly.

(3) *Drainage and waste disposal*. — Provision shall be made for the regular collection, removal, and disposal of animal and food wastes, bedding, debris, and dead animals in a manner that minimizes contamination and disease risks. If housing facilities are equipped with disposal facilities and drainage systems, they shall be constructed and operated so that animal wastes and water are rapidly eliminated and the dogs stay dry. All drains shall be properly constructed, installed, and maintained. If closed drainage systems are used, they shall be equipped with traps and prevent the backflow of gases and the backup of sewage onto the floor.

(b) *Indoor housing facilities*. — (1) *Heating, cooling, and temperature*. — Indoor housing facilities for dogs shall be sufficiently heated and cooled when necessary to protect the dogs from temperature extremes and to provide for their health and well-being. When dogs are present, the ambient temperature in the facility shall not be allowed to fall below 50°F (10°C) for dogs not acclimated to lower temperatures and for those breeds that cannot tolerate lower temperatures without stress or discomfort, such as short-haired breeds. Dry bedding or other methods of conserving body heat shall be provided when temperatures are below 50°F (10°C). The ambient temperature shall not fall below 45°F (7.2°C) for more than 4 consecutive hours when dogs are present, and shall not rise above 85°F (29.5°C) for more than 4 consecutive hours when dogs are present.

(2) *Ventilation*. — Indoor housing facilities for dogs shall be sufficiently ventilated when dogs are present to provide for their health and well-being, and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation shall be provided by windows, vents, fans, or air conditioning.

(3) *Lighting*. — Indoor housing facilities for dogs shall have ample lighting by natural or artificial means. Lighting in indoor housing facilities shall be sufficient to allow observation of the physical condition of the dogs so housed, and to permit routine inspection and cleaning of the facility. Dogs housed in these facilities shall be provided a regular diurnal lighting cycle of either natural or artificial light. Primary enclosures shall be placed so as to protect the dogs from excessive light.

(4) *Interior surfaces*. — The floors and walls of indoor housing facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.

(c) *Outdoor housing facilities*. — (1) *Restrictions*. — No dog shall be confined outside and unattended during any period in which a hazardous weather advisory or warning has been issued by the National Weather Service for the local area or where conditions pose a serious adverse risk to the health and safety of a dog. For purposes of this section, the definition of "outside and unattended" shall mean any dog that is exposed to the elements for a duration of longer than 15 minutes and not in visual range and physical presence of the owner. This expressly includes, but is not limited to, a dog in a yard or a dog that is tethered. A dog shall be considered outside regardless of access to an outdoor dog house or similar structure. However, a dog actively engaged in the protection of livestock, farm property, or poultry shall not be considered to be "outside and unattended" provided that such dog has uninterrupted access to enter a dry agricultural building such as a barn.

(2) *Shelter from the elements*. — Dogs shall be provided with proper shelter to protect them against inclement weather, preserve their body heat, and allow them to remain dry during rain or snow. The shelter shall be substantially moisture proof and windproof structure of suitable size to accommodate the dog and allow retention of body heat. It shall be made of durable material with a solid, moisture-proof floor raised off the ground, and contain sufficient clean and moisture-resistant bedding material or other means of protection from the weather. Additional bedding material and a windbreak, such as a flap or tarp at the entrance, shall be provided between November 1 and March 31 or when the temperature is 35°F (1.7°C) or lower.

(3) *Shelter from sunlight*. — In addition to the shelter structure, 1 or more separate outside areas of shade shall be provided to allow the dogs to protect themselves when sunlight is likely to cause overheating or discomfort.

(4) *Construction*. — Housing facilities for dogs shall be constructed to provide for the health and comfort of the animals. The floors and walls of outdoor housing facilities shall be constructed and maintained so that they are structurally sound, substantially impervious to moisture, wind, and may be readily sanitized. A dog house shall not be constructed primarily of metal. Mobile or traveling housing facilities, barrels, cars, refrigerators or freezers, and the like shall not constitute proper shelter.

(5) Dogs shall be provided access to food and water under paragraphs (e)(2) through (e)(4) of this section in a manner in which the contents will not freeze.

(d) *Primary enclosures.* — (1) *Space requirements.* — Primary enclosures shall be constructed and maintained to provide sufficient space to allow each dog to turn about freely and to stand erect, sit, and lie down in a comfortable, normal position. Each dog housed in a primary enclosure shall be provided with a minimum amount of floor space, which shall be calculated according to the procedure prescribed in 9 C.F.R. § 3.6(c)(1).

(2) *Space requirements when nursing puppies.* — Each bitch with nursing puppies shall be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry practices. If the additional amount of floor space for each nursing puppy is less than 5% of the minimum requirement for the bitch, the housing shall be approved by a licensed veterinarian.

(3) *Height.* — The interior height of a primary enclosure shall be at least 6 inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position.

(4) *Use of tethers.* — Tethers shall be attached so that the dog cannot become entangled with other objects or come into physical contact with other dogs, and so the dog can roam to the full range of the tether. The tether shall be of a type commonly used for the size dog involved, made of material not normally susceptible to being severed by the dog through chewing or otherwise. Tethers shall be attached to the dog by means of a well-fitted collar that will not cause trauma or injury to the dog. Tethers shall not be attached to a choke, pinch, prong, or martingale collar. The tether shall be a minimum of 10 feet in length and allow the dog convenient access to the dog house and to food and water containers. The dog may not be tethered for more than 2 hours when the dog owner or a responsible person is not present on the property.

(5) *Wire flooring.* — A dog may not be sheltered in a primary enclosure having only wire flooring.

(6) [Repealed.]

(e) *Animal health and husbandry standards.* — (1) *Compatible grouping.* — Dogs that are housed in the same primary enclosure shall be compatible with the following restrictions:

a. Females in heat may not be housed in the same primary enclosure with males, except for breeding purposes.

b. Any dog exhibiting a vicious or overly aggressive disposition shall be housed separately.

c. Puppies 4 months of age or less may not be housed in the same primary enclosure with adult dogs other than their dams or foster dams.

d. Dogs may not be housed in the same primary enclosure with any other animal species, unless they are compatible.

e. Dogs under quarantine or treatment for a communicable disease shall be separated from other dogs and other susceptible animal species in such a manner as to minimize the dissemination of such disease.

(2) *Feeding.* — Dogs shall be fed at least once each day, except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the dog. The diet shall be appropriate for the individual dog's age and condition.

(3) *Food receptacles.* — Food receptacles shall be readily accessible to all dogs and shall be located so as to minimize contamination by excreta. The receptacles shall be durable and shall be kept clean. The food receptacles shall be sanitized at least once per week. Disposable food receptacles may be used but shall be discarded after each feeding. Self-feeders may be used for the feeding of dry food but shall be sanitized regularly to prevent molding, deterioration, or caking of feed.

(4) *Watering.* — If potable water is not continually available to the dogs, it shall be offered to the dogs as often as necessary to ensure their health and well-being. Watering receptacles shall be kept clean and shall be sanitized at least once per week.

(5) *Cleaning of primary enclosure.* — Excreta and food waste shall be removed from a primary enclosure, including any floor area or ground surface beneath the primary enclosure, on a daily basis. When steam or water is used to clean the primary enclosure, whether by hosing, flushing, or other methods, dogs shall be removed, unless the enclosure is large enough to ensure that the dogs will not be harmed, wetted, or distressed in the process. Standing water shall be removed from the primary enclosure and dogs in other primary enclosures shall be protected from being contaminated with water and other wastes during the cleaning.

(6) *Housekeeping for premises.* — Premises where housing facilities are located, including buildings and surrounding grounds, shall be kept clean and in good repair to protect the dogs from injury and to facilitate the husbandry practices set forth in this section.

(f) *Civil penalties.* — An owner who refuses, fails or neglects to comply with this section shall be penalized as follows:

(1) For a first violation, a civil penalty of \$100 in addition to costs.

(2) For a second violation, a civil penalty of \$250 in addition to costs.

(3) For each subsequent violation, a civil penalty of \$500 in addition to costs.

77 Del. Laws, c. 179, § 2 (<https://legis.delaware.gov/SessionLaws?volume=77&chapter=179>); 70 Del. Laws, c. 186, § 1 (<https://legis.delaware.gov/SessionLaws?volume=70&chapter=186>); 77 Del. Laws, c. 428, § 6 (<https://legis.delaware.gov/SessionLaws?volume=77&chapter=428>); 80 Del. Laws, c. 248, § 5 (<https://legis.delaware.gov/SessionLaws?volume=80&chapter=248>); 82 Del. Laws, c. 238, § 1 (<https://legis.delaware.gov/SessionLaws?volume=82&chapter=238>);

#### **§ 3045F. Licensing agents; bond requirements; service charge; negotiations.**

(a) The Department may authorize as many qualified persons or companies as licensing agents as it deems necessary to effectuate the efficient distribution of dog licenses established under § 3042F of this title.

(b) The Department may determine the bond requirement.

(c) Licensing agents may add an approximate, reasonable and necessary service charge to the required fee for a license. The Department shall set the fee at its discretion.

(d) The Department may adopt, amend, modify, or repeal rules and regulations to effectuate the policy and purpose of this section.

77 Del. Laws, c. 179, § 2 (<https://legis.delaware.gov/SessionLaws?volume=77&chapter=179>); 77 Del. Laws, c. 428, § 6 (<https://legis.delaware.gov/SessionLaws?volume=77&chapter=428>); 80 Del. Laws, c. 248, § 5 (<https://legis.delaware.gov/SessionLaws?volume=80&chapter=248>);

#### **§ 3046F. Reciprocity of dog license.**

If, by or pursuant to the laws of the state of the owner's primary residence, an owner licenses in that owner's own state of residence, then such dog shall not need an additional license in this State.

77 Del. Laws, c. 179, § 2 (<https://legis.delaware.gov/SessionLaws?volume=77&chapter=179>); 70 Del. Laws, c. 186, § 1 (<https://legis.delaware.gov/SessionLaws?volume=70&chapter=186>); 77 Del. Laws, c. 428, § 6 (<https://legis.delaware.gov/SessionLaws?volume=77&chapter=428>); 80 Del. Laws, c. 248, § 5 (<https://legis.delaware.gov/SessionLaws?volume=80&chapter=248>);

#### **§ 3047F. Rules and regulations [Repealed].**

77 Del. Laws, c. 179, § 2 (<https://legis.delaware.gov/SessionLaws?volume=77&chapter=179>); 77 Del. Laws, c. 428, § 6 (<https://legis.delaware.gov/SessionLaws?volume=77&chapter=428>); repealed by 80 Del. Laws, c. 248, § 5, eff. May 25, 2016. (<https://legis.delaware.gov/SessionLaws?volume=80&chapter=248>);

**§ 3048F. Dogs running at large.**

(a) No dog, unless exempted under this section, shall be permitted to run at large outside at any time, and must be secured by means of a leash that is capable of physically restraining the movement of the dog. A dog is not at large if it is within the real property limits of its owner, or on private property with permission, or within a vehicle being driven or parked.

The following dogs are exempt from the leash requirements and need only be at heel or under reasonable control of a competent person and obedient to the person's command:

- (1) Working dogs (i.e. dogs that are not merely pets but that learn and perform tasks to assist their human companions) including but not limited to, dogs trained to hunt, herd, assist law enforcement or search and rescue personnel, or assist persons with disabilities, while actively engaged in performing such functions; and
- (2) Dogs within a designated "off-leash" dog park or area, or within an area permitted by a governmental entity including a municipality, and attended by the dog's owner or custodian.

Any owner or custodian who violates this subsection shall be fined not less than \$25 or more than \$50. For each subsequent offense occurring within 12 months of a prior offense, the person shall be fined not less than \$50 or more than \$100. The minimum fine for a subsequent offense shall not be subject to suspension. For the purposes of this section, the term "dog" shall mean any dog or dog hybrid. Allowing a dog to run at large is a violation.

(b) [Omitted.]

(1), (2) [Repealed.]

(3) Under the reasonable control of some person or when engaged in lawful hunting accompanied by the owner or custodian.

(c) Whoever, being the owner, custodian, possessor, or harbinger of any female dog, allows such dog to run or remain at large in this State while in heat shall be fined not less than \$50 nor more than \$100. For each subsequent offense occurring within 12 months of a prior offense, the owner, custodian, possessor, or harbinger shall be fined not less than \$100 or 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.

(d) Whoever, being the owner, custodian, possessor, or harbinger of any dog that while running at large and without provocation, bites a person, shall be fined not less than \$100 nor more than \$500. For each subsequent offense involving the same dog, such owner, custodian, possessor, or harbinger shall be fined not less than \$750 or more than \$1,500. The minimum fines provided for in this subsection, \$100 for the first offense and \$750 for each subsequent offense, shall not be subject to suspension.

(e) 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 Department. Said report shall contain the name of the defendant, the name of the dog, the license number of the dog, the date of the offense, and the date of conviction. The Department shall maintain these reports for a period of 3 years.

77 Del. Laws, c. 428, § 7 (<https://legis.delaware.gov/SessionLaws?volume=77&chapter=428>); 80 Del. Laws, c. 248, § 5 (<https://legis.delaware.gov/SessionLaws?volume=80&chapter=248>); 82 Del. Laws, c. 238, § 2 (<https://legis.delaware.gov/SessionLaws?volume=82&chapter=238>);

**§ 3049F. Destruction of muskrat dens, poultry, or livestock.**

No owner or custodian of any dog shall permit such dog to injure, destroy, or disturb any muskrat den, trap, lead, or house, or any poultry or livestock.

77 Del. Laws, c. 428, § 7 (<https://legis.delaware.gov/SessionLaws?volume=77&chapter=428>); 80 Del. Laws, c. 248, § 5 (<https://legis.delaware.gov/SessionLaws?volume=80&chapter=248>);

**§ 3050F. Dogs deemed personal property; theft; penalty.**

- (a) All dogs shall be deemed personal property and may be the subject of theft pursuant to Chapter 5 of Title 11. Any warrant of arrest or other process issued under or by virtue of the several laws in relation to the theft of such property may be directed to and executed by any police officer, constable, or animal welfare officer.
- (b) The presence of any dog, regardless of age, not confined on the premises of a person other than the lawful owner of such dog shall raise no presumption of theft against the owner or tenant of such premises.
- (c) No person shall confine any dog which is not that person's own lawful property without contacting the Department within 48 hours of confining such dog and providing the Department with a complete description of the dog, the exact location of the premises on which such dog is to be detained, and the name of the owner or tenant of such property.

77 Del. Laws, c. 428, § 7 (<https://legis.delaware.gov/SessionLaws?volume=77&chapter=428>); 70 Del. Laws, c. 186, § 1 (<https://legis.delaware.gov/SessionLaws?volume=70&chapter=186>); 78 Del. Laws, c. 266, § 14 (<https://legis.delaware.gov/SessionLaws?volume=78&chapter=266>); 80 Del. Laws, c. 248, § 5 (<https://legis.delaware.gov/SessionLaws?volume=80&chapter=248>);

#### **§ 3051F. Injuring or killing dogs for certain acts.**

- (a) Any police officer, animal welfare officer who finds a dog running at large and deems such dog to be an immediate threat to the public health and welfare may kill such dog.
- (b) Any person may injure or kill a dog in self-defense or to protect livestock, poultry, or another human being at the time such dog is attacking such livestock, poultry, or human being.
- (c) Any person may injure or kill a dog at the time such dog is wounding another dog if the dog being wounded is on the property of its owner or under the immediate control of its owner and being wounded by a dog that is running at large.
- (d) Any person who injures or kills any dog in accordance with this section shall not be held criminally or civilly liable therefor.

77 Del. Laws, c. 428, § 7 (<https://legis.delaware.gov/SessionLaws?volume=77&chapter=428>); 80 Del. Laws, c. 248, § 5 (<https://legis.delaware.gov/SessionLaws?volume=80&chapter=248>);

#### **§ 3052F. Poisoning of dogs.**

No person shall place any poison of any description in any place on the person's premises, or elsewhere, where it may be easily found and eaten by dogs.

77 Del. Laws, c. 428, § 7 (<https://legis.delaware.gov/SessionLaws?volume=77&chapter=428>); 80 Del. Laws, c. 248, § 5 (<https://legis.delaware.gov/SessionLaws?volume=80&chapter=248>);

#### **§ 3053F. Liability of dog owner for damages.**

The owner of a dog is liable in damages for any injury, death, or loss to person or property that is caused by such dog, unless the injury, death, or loss was caused to the body or property of a person who, at the time, was committing or attempting to commit a trespass or other criminal offense on the property of the owner, or was committing or attempting to commit a criminal offense against any person, or was teasing, tormenting, or abusing the dog.

77 Del. Laws, c. 428, § 7 (<https://legis.delaware.gov/SessionLaws?volume=77&chapter=428>); 80 Del. Laws, c. 248, § 5 (<https://legis.delaware.gov/SessionLaws?volume=80&chapter=248>);

#### **§ 3054F. Impounding of dog running at large.**

Any dog found running at large contrary to any of the provisions of this chapter may be impounded and disposed of under such rules and regulations as the Department adopts. Any impounded dog shall not be disposed of without 5 days' written notification to the owner of the dog, if ownership can be determined, unless earlier disposal is recommended by a doctor of veterinary medicine.



77 Del. Laws, c. 428, § 7 (<https://legis.delaware.gov/SessionLaws?volume=77&chapter=428>); 80 Del. Laws, c. 248, § 5 (<https://legis.delaware.gov/SessionLaws?volume=80&chapter=248>);

#### **§ 3055F. Penalties; fines.**

Unless otherwise specifically provided in this subchapter, whoever violates this subchapter shall be subject to the fines provided for in § 107(a) of this title and such fines are payable to the Department.

77 Del. Laws, c. 428, § 7 (<https://legis.delaware.gov/SessionLaws?volume=77&chapter=428>); 80 Del. Laws, c. 248, § 5 (<https://legis.delaware.gov/SessionLaws?volume=80&chapter=248>);

#### **§ 3056F. Unauthorized acts against a service dog; penalties.**

(a) For the purposes of this section, “service dog” means any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

(b) No person shall intentionally interfere with the use of a service dog by obstructing, intimidating, or otherwise jeopardizing the safety of the user or animal. Whoever violates this subsection shall be guilty of a class B misdemeanor.

(c) No person shall intentionally injure or disable a service dog that is being used by its owner or the officer teamed with the dog. Whoever violates this subsection shall be guilty of a class A misdemeanor.

(d) No person shall intentionally kill a service dog owned by a private person or agency. Whoever violates this subsection shall be guilty of a class D felony. This subsection, however, does not apply to a law-enforcement officer as defined by § 222 of Title 11 who is forced to take such action pursuant to the lawful performance of the officer’s duties.

(e) No person shall intentionally steal, take, or wrongfully obtain a service dog owned by a private person or agency. Whoever violates this subsection shall be guilty of a class E felony.

(f) In any case where a person is convicted under subsection (b), (c), (d) or (e) of this section, that person shall also be ordered to make full restitution for all damages, including incidental and consequential expenses incurred by the service, guide, or seeing-eye dog owner and the dog which arise out of or are related to the criminal offense.

77 Del. Laws, c. 428, § 7 (<https://legis.delaware.gov/SessionLaws?volume=77&chapter=428>); 80 Del. Laws, c. 248, § 5 (<https://legis.delaware.gov/SessionLaws?volume=80&chapter=248>);

#### **§ 3057F. State dog law management.**

(a) In order to enforce this subchapter, the Department or a municipality shall authorize the hiring of, or contract for, sufficient animal welfare officers to accomplish the purposes of this subchapter.

(b) All animal welfare officers shall be uniformed and shall be adequately trained, certified, and equipped to enforce the dog control laws and ordinances of the State or any of its political subdivisions, including municipalities.

(c) In addition to animal welfare officers, all police officers may enforce the dog control laws and ordinances of the State or any of its political subdivisions.

77 Del. Laws, c. 428, § 7 (<https://legis.delaware.gov/SessionLaws?volume=77&chapter=428>); 78 Del. Laws, c. 266, § 15 (<https://legis.delaware.gov/SessionLaws?volume=78&chapter=266>); 79 Del. Laws, c. 375, § 1 (<https://legis.delaware.gov/SessionLaws?volume=79&chapter=375>); 80 Del. Laws, c. 248, §§ 4, 5 (<https://legis.delaware.gov/SessionLaws?volume=80&chapter=248>);

#### **§ 3058F. Rules and regulations.**

The Department may adopt, amend, modify, or repeal ordinances, rules, and regulations to effectuate the policy and purposes of this chapter.

77 Del. Laws, c. 428, § 7 (<https://legis.delaware.gov/SessionLaws?volume=77&chapter=428>); 80 Del. Laws, c. 248, § 5 (<https://legis.delaware.gov/SessionLaws?volume=80&chapter=248>);

**§ 3059F. [Reserved].**

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Delaware General Assembly (<http://legis.delaware.gov/>).

Judicial (<http://courts.delaware.gov/>).

Executive (<http://delaware.gov>).

Contact (<http://delaware.gov/help/degov-contact.shtml>).

Twitter ([https://twitter.com/delaware\\_gov/](https://twitter.com/delaware_gov/)).

Help (<http://delaware.gov/help/default.html>).