

Sponsor: _____
First Reading: 12/2/2024
Second Reading: 12/16/2024
Third Reading: 1/21/2025
Ord. No.: 019-24

AN ORDINANCE AMENDING CHAPTER 14 (ANIMALS) OF THE TOWN CODE OF THE TOWN OF SMYRNA TO CLARIFY THE EXEMPTIONS FROM THE PROHIBITIONS CONTAINED THEREIN

WHEREAS, the Town Council of the Town of Smyrna is authorized pursuant to section 4.2.30 of the Town Charter to “establish and regulate pounds and to restrain, prohibit and impound any domestic or wild animal, beast, bird or fowl running at large and to authorize the destruction of the same; and to regulate the keeping of dogs within the Town, and to provide for registration and fees thereof;”

WHEREAS, the Town Council of the Town of Smyrna is authorized pursuant to section 4.2.25 of the Town Charter to “provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants;”

WHEREAS, the Town Council has adopted regulations pertaining to the keeping of animals in Town, and has determined that it is necessary and in the best interest of the public health, safety, and welfare to update the Town’s regulations to clarify the provisions pertaining to exemptions.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that the Town Code of the Town of Smyrna be and hereby is amended as follows:

Section 1. Amend Chapter 14 (Animals), by making additions as shown by underline and deletions as shown by strike through as follows:

Sec. 14-5. - Keeping of vicious, exotic, wild, or farm animals and wild fowl prohibited.

(a) No person shall possess, own, harbor, or care for, whether as a pet or for any other purpose, vicious, exotic, wild, or farm animals or wild fowl as defined in this chapter within the boundaries of the town unless specifically exempted by this chapter. Any property in violation of this provision that does not qualify for a lawful exemption in subsection (b) shall be brought into compliance with the Town Code by April 1, 2025.

(b) The following animals shall be exempt from this section:

(1) Wild animals, fowl, and fish that may be purchased from a licensed commercial pet shop or dealer and are exempted from permit requirements by a State of Delaware veterinarian as authorized by Title 3, Del. C., Chapter 72. This exemption does not pertain to farm animals, which are covered in subsection (4).

(2) Animals kept or harbored at licensed zoos or accredited educational institutions that are used in the course of instruction or research and licensed as required by the Delaware State Code.

(3) With an approved special events permit from the Town, animals that are used for temporary display and licensed as required by the Delaware State Code.

(4) Farm animals as defined in this chapter may be possessed, owned, harbored, or cared for under the following conditions:

- a. The property where the farm animal(s) is kept must be a minimum of four acres;
- b. The property must be properly fenced to contain such farm animal(s); and
- c. The restriction on the number of animals allowed as specified in Section 14-6 of this chapter shall apply.

Section 2. Severability. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that the Town Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with Town Council's intent.

Section 3. Effective Date. This Ordinance shall become effective immediately upon its adoption by the Town Council.

SYNOPSIS

This ordinance clarifies that farm animals are not included in the exemptions pertaining to wild animals, fowl, and fish, and clarifies that any properties in violation of the ordinance without a lawful exemption have until April 1, 2025 to bring their properties into compliance with the Town Code.

This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on January 21st, 2025.

ATTEST:



Council Secretary



Mayor

This shall certify that the title and synopsis of this Ordinance was published in the Delaware State News on January 29, 2025 and posted at the Town Hall on January 21, 2025.

So Certifies:



Town Clerk