

ORDINANCE NO. ___

AN ORDINANCE TO ADOPT CHAPTER 97 OF THE CODE OF SUSSEX COUNTY, ENTITLED "EXCESSIVE DOG BARKING," WHICH SHALL DEFINE "EXCESSIVE DOG BARKING" AND CREATE ENFORCEMENT PROVISIONS AND PENALTIES FOR FAILURE TO COMPLY WITH THIS CHAPTER

WHEREAS, excessive dog barking has been a problem for some period of time in Sussex County; and

WHEREAS, many Sussex County residents have sought relief from excessive dog barking by contacting police and their elected officials; and

WHEREAS, Sussex County Council desires to adopt an ordinance to define excessive dog barking and create enforcement provisions and penalties for failure to comply with this Chapter.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County is hereby amended by creating a new Chapter 97, entitled, "Excessive Dog Barking" by inserting the underlined language as follows:

CHAPTER 97

EXCESSIVE DOG BARKING

§97-1. Title.

This chapter shall be known as the "Excessive Dog Barking Ordinance."

§97-2. Definitions.

For purposes of this chapter, the terms below are hereby defined as follows:

DOG – All canines which shall include male and female dogs regardless of whether dog has been spayed or neutered.

OWNER – Any person who owns, keeps, harbors or has in his/her care, custody, or control of a dog. Dogs owned by a minor shall be deemed to be in the custody of the minor’s parents, legal guardians or head of household where the minor resides.

EXCESSIVE DOG BARKING - Any dog that barks for a continuous period of thirty (30) minutes or more is considered to be engaging in excessive dog barking.

§97- 3. Ordinance Requirements.

This ordinance requires all dog owners to control their dog’s barking and will be in violation of this Chapter if their dog engages in excessive dog barking.

§97- 4. Exemption.

Any dog that is deliberately provoked by a trespasser (be that a human or animal), or is intentionally teased is exempt from this code per incident.

§97- 5. Enforcement and Jurisdiction.

- A. This ordinance shall be enforced by the Sussex County Constable, or his designee.
- B. Complaints of excessive dog barking shall be accepted by the Constable’s office during its regular business hours of Monday – Friday from 8:30 a.m. - 4:30 p.m.
- C. The Constable, or his designee, shall conduct an investigation of excessive dog barking complaints in a timely manner.
- D. The Justice of the Peace Courts in Sussex County shall have jurisdiction over all violations of this ordinance. Any person charged with a violation of this ordinance shall have such case adjudicated by a Justice of the Peace Court in Sussex County.

§97- 6. Penalties.

- A. A person found guilty of violating any provision of Chapter 97 of the Sussex County Code by the Justice of the Peace Court shall be fined in accordance with the following schedule:
 - 1. For the first offense - \$25.00 to \$75.00
 - 2. For the second offense - \$50.00 to \$100.00

3. For the third offense and any subsequent offenses - \$75.00 to \$150.00

B. If multiple violations occur within any thirty (30) day period, the court may double the fine due up to a maximum of \$300.00.

Section 2. Effective Date. This Ordinance shall become effective immediately upon its adoption.

Synopsis

This Ordinance creates a new Chapter 97 in the Sussex County Code which defines excessive dog barking and creates enforcement provisions and penalties for failure to comply with this Chapter.

All text is new and is underlined. There is no deleted text.