

# TOWN OF HOUSTON

## Chapter 100 Animals

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### ARTICLE I-DEFINITIONS

For the purposes of this Chapter the following definitions shall be applicable unless the context clearly indicates to the contrary:

**KEEP** To harbor, care for, own, shelter or in any way maintain.

**PERSON** Includes an individual, natural person, joint-stock company, partnership, voluntary association, society, club, firm, company, corporation, business trust, organization or any other group acting as a unit, with a manager, lessee, agent, servant, partner, member, director, officer or employee of any of them, including an executor, administrator, trustee, receiver or other representative appointed according to law.

**PUBLIC NUISANCE** An unlawful act or omission to discharge a legal duty, which act or omission endangers the lives, safety, health or comfort of the public or by which the public are obstructed in the exercise or enjoyment of a right common to all.

**RUNNING AT LARGE** Wandering, roving or rambling at will, unrestrained off the premises of its owner and not under the control of a human being by cord, leash, chain or otherwise.

### ARTICLE II-DOGS RUNNING AT LARGE PROHIBITED

It shall be unlawful for the owner of any dogs, from the date of passage of this article, to permit any dog owned or maintained, whether licensed or unlicensed, to run at large within the public within the corporate limits of the Town of Houston, unless secured by a leash and accompanied by his owner or caretaker.

Upon observing a dog running loose, the complaint should be forwarded to the SPCA (Society for the Prevention of Cruelty to Animals) and any costs associated with removal of the dog shall be paid by the owner.

REGULATION SUBJECT TO  
Article IX for Violations and Penalties  
Article X for Additional Remedy

## **ARTICLE III-ANIMAL NOISE**

### **PURPOSE**

It is the purpose of this article to eliminate the keeping of barking dogs, crying cats and other animals producing a noise that can be construed as a nuisance within the corporate limits of the Town of Houston.

### **INTENT**

This article is declared to be remedial and shall be construed to secure the beneficial intent and purposes thereof which are to eliminate dangerous conditions detrimental to public good and to protect the public health, safety and general welfare of the property owners and residents of the Town of Houston.

### **KEEPING OF NOISY ANIMALS PROHIBITED**

It shall be unlawful for any person knowingly to keep any animal which habitually barks, howls, whines, yelps, cries or makes other noises to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such animals are hereby declared to be detrimental to the public health, safety and general welfare of the property owners and residents of the Town of Houston and a common and public nuisance.

### **INVESTIGATION BY TOWN**

The Town Council and/or his/her designee of the Town of Houston, upon complaint from two or more residents of the Town of Houston, or upon his or her own observation, shall investigate to determine whether there is an animal noise nuisance on property located within the corporate limits of the Town of Houston in violation of the provisions of this article.

### **NOTICE OF VIOLATION**

If the Town Council and/or his/her designee, following his or her investigation, determines that there is an animal which habitually barks, howls, whines, yelps, cries or makes other noises to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood, the Town Council and/or his/her designee shall physically post the property notifying the owner, agent or tenant to the property located within the corporate limits of the Town of Houston in violation of the provisions of this article. The Town Council and/or his/her designee shall physically post the property notifying the owner, agent or tenant to have said violation of this article remedied within ten (10) days of said posting. Such notice shall contain the following information:

- A. The nature of the complaint
- B. Location of the structure
- C. A statement that the animal nuisance violation must be corrected within ten (10) days following the posting of said property
- D. A statement of penalties for noncompliance with such notice

### **FAILURE TO REMEDY-ACTION BY TOWN**

Upon the failure of the property owner or tenant to have corrected the violation of the provisions of this article remedied within ten (10) days of the posting, the Town Council and/or his/her designee may proceed to remove the objects and/or material being maintained in violation of this article or otherwise remedied at the expense of the owner of said property and, when completed, a bill for the cost thereby incurred as determined by the Town Council in the name of the Town

of Houston, as soon as convenient thereafter, be presented to the owner of said property or the tenant of said owner.

**REGULATION SUBJECT TO**

Article IX for Violations and Penalties

Article X for Additional Remedy

**ARTICLE IV-OWNERS/CUSTODIANS RESPONSIBLE FOR ANIMAL FECES**

Any person who owns an animal or has custody of an animal, which animal has caused its feces to be deposited upon any Town property or upon property of another, shall immediately remove such feces or cause it to be removed and shall dispose of it in a sanitary manner. A person will be considered to have disposed of feces in a sanitary manner if such person places such material in a refuse container. Disposal of feces in street storm collection systems is prohibited.

**REGULATION SUBJECT TO**

Article IX for Violations and Penalties

Article X for Additional Remedy

**ARTICLE V-KEEPING OF DANGEROUS ANIMALS**

It shall be unlawful for any person to be in possession of any dangerous animal(s) within the Town of Houston. The purpose of this section is to protect the health, safety and welfare of persons and property within the Town of Houston. These animals are incapable of adapting to human companionship and their possession by individuals as pets has proven to be a menace to emergency personnel, including firemen, police officers and utility workers, as well as the general public.

**EXEMPTIONS**

This provision shall not apply to a property/person legally constituted (permitted), such as a zoological park, licensed wildlife rehabilitator, licensed veterinarian, bona fide educational or medical institution, animal shelter as defined by 7 Del. C. § 1701 or any traveling circus, carnival or exhibit.

**NOTICE OF VIOLATION**

If the Town Council and/or his/her designee, following his or her investigation, determines that there is dangerous animals kept on a property located within the corporate limits of the Town of Houston in violation of the provisions of this article, the Town Council and/or his/her designee shall physically post the property notifying the owner, agent or tenant to have said dangerous animal removed or otherwise remedied within three (3) days of said posting.

**REGULATION SUBJECT TO**

Article IX for Violations and Penalties

Article X for Additional Remedy

**ARTICLE VI-ENCLOSURE OF LIVESTOCK**

To protect the health and safety of Houston residents, farm animals such as horses, cattle, goats and sheep shall be confined within a completely fenced area. Fences used for the enclosure of livestock shall be constructed of wire, wood, masonry or any appropriate material. Manure

management practices recommended by DNREC and the Kent Conservation District should be practiced in all livestock enclosure areas.

REGULATION SUBJECT TO  
Article IX for Violations and Penalties  
Article X for Additional Remedy

#### **ARTICLE VII-KEEPING OF LIVE SWINE OR PIGS**

It shall be unlawful to keep any live swine or pigs anywhere within the corporate limits of the Town of Houston.

REGULATION SUBJECT TO  
Article IX for Violations and Penalties  
Article X for Additional Remedy

#### **ARTICLE VIII-KEEPING OF CHICKENS**

It shall be unlawful for any person, firm, association, or corporation to construct a commercial structure of any type for the purpose of commercially housing or raising chickens.

REGULATION SUBJECT TO  
Article IX for Violations and Penalties  
Article X for Additional Remedy

#### **ARTICLE IX-VIOLATIONS AND PENALTIES**

Any owner of property or the tenant of any owner violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction in a court of competent jurisdiction shall be fined not less than \$25 nor more than \$100 or imprisoned for a term of not more 20 days, or both, and shall pay the cost of prosecution. For the purposes of this article, each day or part thereof that a violation continues shall be deemed to be a separate offense.

#### **ARTICLE X-ADDITIONAL REMEDY**

In addition to any other remedy provided for in this article and because the purpose of this article is to safeguard and protect the public health, safety and general welfare of the property owners and residents of the Town of Houston, the Town Council and/or his/her designee is hereby authorized to bring an action in any court of competent jurisdiction to enjoin any violation of any provision of this article.