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CHAPTER 185

LICENSING OF DOGS

AN ACT to amend Chapter 74, of the Revised Code of the State of Delaware, by providing a License for Dogs and other provisions respecting dogs. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 74, of the Revised Code of the State of Delaware, as amended, by Chapter 176, Volume 30, Laws of Delaware, approved April 21, A. D. 1919, be and the same is hereby amended by repealing 2406, Section 49, of said Chapter and substituting in lieu thereof the following:

"2406 A. Section 49 A. It shall be the duty of every person in the counties of Kent and Sussex in this State owning or having under his control or on premises upon which he resides any dog over four months of age, to pay, on or before the first day of March of each year, a license tax, to the Board of Game and Fish Commissioners of the State of Delaware, on such dog of One Dollar for every male and spayed female dog and Two Dollars on every unspayed female dog. PROVIDED, that said license tax for the year A. D. 1925, shall not be due or payable until the first day of June of said year. Said license tax shall apply to Kent and Sussex Counties only, and shall be paid in addition to all other taxes at present imposed upon or on account of any such dog or dogs by any city or town ordinances.

PROVIDED, that any person who maintains a kennel wherein dogs are kept for the purposes of breeding, training, sale or show purposes, may pay a kennel tax of Ten Dollars and fifty cents, which shall entitle him to keep therein not more than twelve dogs belonging to himself or in training for others, or he may pay a kennel tax of Fifteen Dollars and fifty cents which shall entitle him to keep in said kennel as many dogs belonging to himself or in training for others as he may desire. Such kennel dogs to be at all times kept confined unless accompanied by the owner or his agent, except in case of dogs when in a chase or returning home from a chase.

Upon the payment of said license tax the person paying the same shall be entitled to receive a dog license therefor, showing the date on which such license tax is paid and a metal license tag showing the year for which the license is paid and the serial number of the license. Such tag shall be of a design to be adopted by the said Board of Game and Fish Commissioners, and shall be attached to a substantial collar by the owner of such dog and shall be worn by such dog at all times. If any such tag should be lost a new tag shall forthwith be secured from the Board of Game and Fish Commissioners for which tag an additional license tax of twenty-five cents shall be paid.

This Act shall become effective and go into effect on the first day of June A. D. 1925, and the failure to pay the license tax herein provided on or before the first day of August of the year A. D. 1925, shall constitute a misdemeanor, punishable as hereinafter provided. The failure to pay such license tax on or before the first day of March of each year after the year A. D. 1925, shall constitute a misdemeanor, punishable as hereinafter provided.

In the event that any dog becomes four months of age or comes into the possession of any person at any time after the first day of March the said license tax shall forthwith be due and payable.

2406 B. Section 49 B. The Board of Game and Fish Commissioners shall enforce the provisions of this Act and shall collect, account for and authorize the expenditures of all funds arising from the sale of dog licenses or from fines imposed for violations of any of the provisions of this Act in the same manner and with the same powers as

now required by Law in the collecting, accounting for and authorizing the expenditure of funds received from the sale of Hunting and Fishing Licenses and fines imposed for violations of the Game and Fish Laws of this State.

2406 C. Section 49 C. It shall be unlawful for any person to permit any dog to run at large at any time without a license tag as hereinabove provided. It shall further be unlawful to permit any dog to run at large anywhere in this State between the first day of March and the first day of October, next following, in each year, unless accompanied by the owner or Custodian and under his or her immediate control. And it shall also be unlawful for the owner or custodian of any female dog to permit such dog while in heat to run at large at any time of the year. The owner or custodian of every dog shall at all times between the hours of sunset and sunrise of each day keep such dog either (a) confined within an enclosure from which it cannot escape, or (b) firmly secured by means of a collar or chain or other device so that it cannot stray from the premises on which it is secured, or (c) under the reasonable control of some person or when engaged in lawful hunting accompanied by the owner or custodian.

2406 D. Section 49 D. It shall be unlawful for the owner or custodian of any dog to permit such dog to injure, destroy or disturb any muskrat den, trap, lead or house or any poultry or livestock.

2406 E. Section 49 E. It shall be lawful for the owner or custodian of any bird, rabbit, raccoon, or fox dog, to train and break the same at any time of the year during the hours of daylight only. Provided, that while training or breaking dogs the owner or custodian thereof exercises reasonable precaution to keep such dogs in control and if any such dog or dogs shall, during such training wander off and out of control of the owner or custodian, without his fault, such dog or dogs shall not be deemed to be running at large within the meaning of this Act.

2406 F. Section 49 F. All dogs licensed under the provisions of this Act upon which said license tax is not delinquent, shall be deemed personal property, and may be the subject of larceny and malicious or unlawful trespass, and the owner thereof may maintain any action for injury thereto, or unlawful detention thereof, as in the case of other personal property. Any warrant or other process issued for the arrest of any person charged with larceny under this section may be executed by any sheriff, police officer, constable or game warden. Any game warden or other officer finding a stolen dog, or a dog held or detained contrary to law, shall have authority to seize and hold such dog pending action of a justice or the court trying the case. If no action is instituted within a reasonable time the game warden or other officer shall deliver the dog to its legal owner. Any person taking or stealing any dog, the property of another, on which taxes are not delinquent, shall be guilty of a misdemeanor, punishable as hereinafter provided. The presence of a dog on the premises of a person other than the owner of such dog shall raise no presumption of theft against the owner of such premises.

2406 G. Section 49 G. Any unlicensed dog running at large at any time may be killed by any police officer, constable or game warden. Any unlicensed dog that enters any field shall constitute a public nuisance and the owner or tenant of such field or his agent or servant may kill such dog while it is in the field without liability or responsibility of any nature for such killing. Any person may kill any unlicensed dog which he sees worrying or wounding live stock or attacking human beings.

2406 H. Section 49 H. It shall be unlawful for any person, except a police officer or game warden to kill, injure, or poison or attempt to kill, injure, or poison any licensed dog, except in the case of a licensed dog attacking a human being.

2406 I. Section 49 I. It shall be unlawful for any person, except a police officer or game warden to place any poison of any description in any place on his premises, or elsewhere, where it may be easily found and eaten by dogs.

2406 J. Section 49 J. The owner or custodian of any dog or dogs shall be liable in a civil action to the owner of any live stock or poultry for all damages suffered by such livestock or poultry from any dog or dogs. Any person, firm or stock company, who shall have live stock or fowl killed or injured by any dog shall be entitled to receive compensation therefor at the assessed value of such stock and the fair value of such fowl out of the funds derived from the sale of dog licenses, upon proof to the Board of Game and Fish Commissioners of the amount of damages suffered. Provided that no payment shall be authorized by said Board for any item of damages which has already been paid by the owner of the dog or dogs doing the injury.

2406 K. Section 49 K. Any dog found running at large contrary to any of the provisions of this Act may be impounded and disposed of under such rules and regulations as the Board of Game and Fish Commissioners may adopt.

2406 L. Section 49 L. It shall be unlawful to hold field trials with dogs in this State without first securing a permit from the Board of Game and Fish Commissioners. The said Board is authorized to grant permits to bona fide field trial clubs or associations to hold field trials in this State under such rules and regulations as may be adopted by the said Board, safeguarding the interests of the game of this State. Dogs brought into the State to participate in such field trials and which are removed from the State within ten days, shall be exempt from the State dog license.

2406 M. Section 49 M. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) for each offense and upon failure to pay such fine and costs shall be imprisoned for a period not exceeding ten days.

2406 N. Section 49 N. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved April 15, A. D. 1925.



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