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TITLE 7

Conservation

Game, Wildlife and Dogs

CHAPTER 17. DOGS

§ 1701 Field trials; permit.

Field trials with dogs may not be held in this State without first securing a permit from the Department. The Department may grant permits to bona fide field trial clubs or associations to hold field trials in this State under such rules and regulations adopted by the Department, 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 10 days, are exempt from the state dog license tax.

Code 1915, § 2406L; [34 Del. Laws, c. 185, § 1](#); Code 1935, § 2876; 7 Del. C. 1953, § 1711; [57 Del. Laws, c. 739, § 81](#); [77 Del. Laws, c. 428, §§ 1, 2](#);

§ 1702 Dogs on state coastal beaches.

Whoever, being the owner, possessor, harbinger or custodian of any dog, allows such dog to be upon the designated swimming or sunbathing area of a state coastal beach strand at any time between May 1 and September 30, inclusive, of any year, except when such dog is on said property on behalf of a law enforcement agency or a blind person, as defined in § 2101 of Title 31, is guilty of a violation and shall be fined not less than \$25 nor more than \$50. For each subsequent offense, the person shall be fined not less than \$50 nor more than \$100. "Coastal beach strand" shall mean all that coastal real property between the western base of the dunes and the low water mark except those lands within a municipality which has enacted an ordinance governing the activities of dogs on said real property.

[64 Del. Laws, c. 283, § 1](#); [71 Del. Laws, c. 135, § 11](#); [74 Del. Laws, c. 253](#); [77 Del. Laws, c. 428, §§ 1, 2](#);

§ 1703 License for special dog training area; requirements.

Upon application of any club or organization having 20 or more members who are citizens of this State, or upon application of 20 or more citizens of this State, and the payment of an annual registration fee of \$10, the Department may issue a license authorizing the establishment and maintenance by such club, organization of citizens, on land owned by them, or over which they have legal control, of a special dog training area wherein

and whereon dogs may be trained at any time during the year. No such dog training area shall be less than 100 acres, nor more than 250 acres.

Code 1935, § 2869A; [48 Del. Laws. c. 131, § 1](#); 7 Del. C. 1953, § 1721; [55 Del. Laws. c. 329](#); [57 Del. Laws. c. 739, § 82](#); [71 Del. Laws. c. 135, § 13](#); [77 Del. Laws. c. 428, §§ 1, 2](#);

§ 1704 Stocking area; training therein; hunting and trapping.

The licensees shall, from time to time, during each year stock each such area with 25 pieces of game per 100 acres at their own expense, under supervision of the Department, unless the Department determines that the area is already adequately stocked. The licensees may at any time during the year train their own dogs or the dogs of other persons on such area or permit others so to do under such conditions as are mutually agreed upon. Neither the licensees nor any other person shall, at any time, hunt or trap within the confines of such area, except that the licensees or any person authorized by them may hunt or trap vermin and predators for the purpose of exterminating vermin and predators on such area.

Code 1935, § 2869A; [48 Del. Laws. c. 131, § 1](#); 7 Del. C. 1953, § 1722; [57 Del. Laws. c. 739, § 83](#); [77 Del. Laws. c. 428, §§ 1, 2](#);

§ 1705 Marking of boundary lines; posting of notice; penalty.

(a) The boundary lines of the special dog training area shall be plainly and conspicuously posted prior to September 1 of each year with legible notices, at least 10 inches by 12 inches in size, placed not more than 100 yards apart which shall bear the following warning:

SPECIAL DOG TRAINING AREA HUNTING UNLAWFUL THIS LAND IS SET ASIDE UNDER SPECIAL
LICENSE FOR THE TRAINING OF DOGS.

ENTERING HEREON FOR THE PURPOSE OF HUNTING OR DISTURBING GAME OR PERMITTING DOGS TO ENTER WITHOUT AUTHORIZATION IS PUNISHABLE BY PENALTY OF TWENTY-FIVE DOLLARS (\$25.00) FOR EACH OFFENSE.

(Name and address of licensee to be printed here)

(b) Whoever violates any of the provisions of any such notice and warning is guilty of a violation and shall be fined \$25 for each offense, together with the costs of prosecution.

Code 1935, § 2869A; [48 Del. Laws. c. 131, § 1](#); 7 Del. C. 1953, § 1723; [71 Del. Laws. c. 135, § 14](#); [77 Del. Laws. c. 428, §§ 1, 2](#);

§ 1706 Injuring or destroying fence, wire or poster; penalty.

No person shall wilfully, negligently or maliciously cut, remove, cover up, deface or otherwise mutilate, injure or destroy any special dog training area boundary fence, wire or poster placed in accordance with this subchapter.

Whoever violates this section is guilty of a violation and shall be fined \$10 for each offense, together with costs of prosecution.

Code 1935, § 2869A; [48 Del. Laws. c. 131, § 1](#); 7 Del. C. 1953, § 1724; [71 Del. Laws. c. 135, § 15](#); [77 Del. Laws. c. 428, §§ 1, 2](#);

§ 1707 Training of dogs; unlawful to carry firearm; penalty.

(a) The owner or custodian of any bird, rabbit, raccoon or fox dog, may train and break the same, at any time of the year, daylight or night, except during the months of March, April, May, June, July and August. If while training or breaking dogs, the owner or custodian thereof exercises reasonable precaution to keep such dogs in control, and if any such dog, during such training, wanders off and out of control of the owner or custodian without the owner's or custodian's fault, such dog shall not be deemed to be running at large within the meaning

of this section. If any dog kills any game protected by the laws of this State, during the closed season while so training, the owner or custodian shall be fined not less than \$2.00 nor more than \$5.00 for each offense.

(b) No person shall carry a firearm while training a dog in closed game season.

(c) The Department may issue an annual permit to the owner or custodian of any retriever dog authorizing the training of such dog or dogs at any time of the year provided such owner or custodian is a trainer of retriever dogs, and provided no game is to be used in the training. Any person to whom such a permit shall issue may possess artificially reared game and may hunt such game with a shotgun; but such game must be hand-liberated during dog training.

Code 1915, § 2406E; [34 Del. Laws, c. 185, § 1](#); [35 Del. Laws, c. 166, § 1](#); [37 Del. Laws, c. 225, § 1](#); Code 1935, § 2869; [45 Del. Laws, c. 208, § 1](#); 7 Del. C. 1953, § 1704; [56 Del. Laws, c. 257](#); [57 Del. Laws, c. 739, § 77](#); [70 Del. Laws, c. 186, § 1](#); [71 Del. Laws, c. 431, § 1](#); [77 Del. Laws, c. 428, § 3](#);

§ 1708 Penalties.

(a) Whoever violates this chapter, unless otherwise specifically provided, shall be fined not less than \$50 or more than \$100 for each offense. For each subsequent offense, the person shall be fined not less than \$100 or more than \$250. All fines imposed following a conviction for violation for any section of this subchapter shall be remitted by the sentencing court or voluntary assessment center to the county in which the offense occurred.

(b) *Applicability.* — Any duly constituted law-enforcement officer of this State or any of its political subdivisions, the county, or any animal welfare officer employed by the county who charges a person with any offense which is a violation of a law, ordinance or regulation established or promulgated under the authority of this chapter shall, in addition to issuing a summons for any such offense, provide the alleged violator with a voluntary assessment form which, when properly executed by the officer, allows the offender to dispose of the charge without the necessity of personally appearing in the court to which the summons is returnable.

(c) *Definitions.* —

(1) "Payment" as used in this section shall mean the total amount of the fine and costs as herein provided and any assessment added to the fine pursuant to Delaware law.

(2) "Voluntary assessment form" as used in this section shall mean the written document issued to an alleged violator which advises such person that they may dispose of the charge without the necessity of personally appearing in court by paying the fine together with any costs and statutory assessments.

(d) *Places and time of payment.* — Payments made pursuant to this section shall be remitted to the voluntary assessment center or court to which the summons is returnable and shall be disbursed to the county in which the offense occurred. The payment must be received by the voluntary assessment center or court within 30 days from the date of arrest (excluding Saturday and Sunday) and shall be paid only by check or money order or by electronic means as authorized by the voluntary assessment center.

(e) *Offenses designated as "offenses subject to voluntary assessment" exceptions.* — All offenses, as now or hereafter set forth in this chapter, or ordinances or regulations promulgated under authority thereof, are hereby designated as offenses subject to voluntary assessment except for violations punishable under § 3079F of Title 16.

(f) *Offer and acceptance of voluntary assessment; effect; request for hearing.* —

(1) At the time of making an arrest for any offense subject to this section, the arresting officer, or animal welfare officer may offer the alleged violator the option of accepting a voluntary assessment. The alleged violator's acceptance of the voluntary assessment constitutes an acknowledgment of guilt of the offense stated in the form, and an agreement to pay the fine as herein provided, together with costs and assessments, within 30 days from the date of arrest (excluding Saturday and Sunday), during which time payment must be received by the applicable court or voluntary assessment center.

(2) In lieu of paying the voluntary assessment, a person who has been issued a voluntary assessment form may request a hearing on any charge stated in such form by notifying, in writing, the voluntary assessment center or court to which payment was to be made of such request within 30 days of the date of arrest. If the alleged violator makes a timely request for a hearing, the charge shall be prosecuted as if the voluntary assessment had not been permitted and the officer shall swear to the summons prior to trial.

(g) *Penalty.* — If an alleged violator elects the option of accepting a voluntary assessment in accordance with subsection (f) of this section, the penalty imposed shall be the minimum fine for each offense charged, and fines shall be cumulative if more than 1 offense is charged.

(h) *Court costs and assessments.* — In lieu of any other court costs, and provided the offense is not subject to other proceedings under this section, each fine for an offense under this section shall be subject to court costs of \$20, unless otherwise provided by court rule in lieu thereof. Each fine for an offense under this section shall be subject to all penalty assessments which are provided for in Chapter 90 of Title 11 or any other provision of the Code.

(i) *Agreement to accept voluntary assessment; procedure.* — Whenever a person is arrested for commission of an offense subject to voluntary assessment and has elected to make payment as herein provided, the arresting officer, using the uniform Delaware complaint and summons citation, shall complete the information section and prepare the voluntary assessment form indicating the amount of the fine, and give a copy of the citation and form to the arrested person and release the arrested person from custody. The arresting officer shall also inform the arrested person of the court or voluntary assessment center to which payment should be submitted if the person does not request a hearing. No officer shall receive or accept custody of a payment. If the person declines to accept voluntary assessment, the arresting officer shall issue a citation and summons or, if appropriate, follow the procedure for arrest as set forth in Chapter 19 of Title 11.

(j) *Payment of fine as complete satisfaction; repeat offenders.* —

(1) Payment of the prescribed fine, costs and penalty assessment is a complete satisfaction of the violation, except as provided in paragraph (j)(2) of this section, but does not waive any administrative penalty in the nature of license revocation which may lawfully be revoked by a county.

(2) In the event that following compliance with the payment provisions of this section, it is determined that within the 2-year period immediately preceding the violation, the violator was convicted of or made a payment pursuant to this section in satisfaction of a violation of the same section of this title, personal appearance before the court to which the summons is returnable shall be required. Notice of the time and place for the required court appearance shall be given to the violator by the court to which the summons for the offense would be returnable.

(k) *Removal from applicability of section.* — If a payment due pursuant to this section is not received by voluntary assessment center or the court to which the summons is returnable within 30 days from the date of arrest (excluding Saturday and Sunday), the violator shall be prosecuted for the offense charged on the voluntary assessment form in a manner as if a voluntary assessment form had not been issued. Upon conviction in such prosecution, the court shall impose penalties as provided for by this chapter and this section.

(l) *Nonexclusive procedure.* — The procedure prescribed is not exclusive of any other method prescribed by law for the arrest and prosecution of persons violating this chapter.

Code 1915, § 2406E; [34 Del. Laws, c. 185, § 1](#); [35 Del. Laws, c. 166, § 1](#); [37 Del. Laws, c. 225, § 1](#); Code 1935, § 2869; [45 Del. Laws, c. 208, § 1](#); 7 Del. C. 1953, § 1704; [56 Del. Laws, c. 257](#); [57 Del. Laws, c. 739, § 77](#); [70 Del. Laws, c. 186, § 1](#); [71 Del. Laws, c. 431, § 1](#); [77 Del. Laws, c. 428, § 4](#); [80 Del. Laws, c. 248, § 6](#);

§§ 1709 -1729. [Reserved]

§§ 1730 -1740. Seizure and impoundment of dangerous or potentially dangerous dogs; notification of dog owner; request for hearing; exceptions; hearing procedures; appeal; finding to declare a dog

dangerous; duties of owner; finding to declare a dog potentially dangerous; duties of owner; liability of owner for costs of impoundment; rules and regulations; violations by owners of dangerous or potentially dangerous dogs; penalties; local ordinances.

[Repealed by 77 Del. Laws. c. 428, § 5, effective July 1, 2010.;](#)



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