

**Mayor Tracey Furman**

**Council Member Darin Bartram  
Council Member Bridget Hill-Zayat**



**Council Member Conor Crimmins  
Council Member Duane Rollins**

Released: January 10, 2020

**Monday, January 13, 2020  
Town Council Meeting, 7:00 pm**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**APPROVAL OF MINUTES**

Regular Town Council Meeting of December 9, 2019

**FROM THE MAYOR AND TOWN COUNCIL**

1. **Alcohol Legislation (MC 15-20)** – Discuss and review the proposed Alcohol Legislation bill (MC 15-20) to amend the Town's existing Alcohol regulations.
2. **Community Art Display** – Discuss and review the proposed *I Found HeART in Kensington* banners that will be displayed throughout the Town.
3. **Montgomery County Pesticide Law** – Discuss the possibility of adopting Montgomery County's Pesticide Law within the Town. Adopting the County's Pesticide Law would require the Town to introduce an ordinance and hold a public hearing at a future Council meeting. *No action will be taken on this subject and is a discussion topic only.*
4. **Historic Preservation Committee** – Discuss the possibility of reviving the Town's Historic Preservation Committee to serve as the formal Local Advisory Panel (LAP) to the County Historic Preservation Commission. *No action will be taken on this subject and is a discussion topic only.*

**FROM THE TOWN MANAGER AND STAFF**

1. **Work Session** – Schedule a Council Work Session for Wednesday, January 22, 2020 to discuss final revisions to Ordinance No. O-03-2019 (Commercial Sign Regulations) and to discuss Administrative functions.

**PUBLIC APPEARANCES**

*(The public is invited to speak on any subject that is not a topic on tonight's agenda)*

**Town of Kensington 3710 Mitchell Street Kensington, MD 20895  
Phone 301.949.2424 Fax 301.949.4925  
www.tok.md.gov**

## **ORDINANCES, RESOLUTIONS, AND REGULATIONS**

*(Ordinances, resolutions, and regulations to be introduced or adopted following appropriate procedures required by the Town Code; or resolutions that may require discussion by the Mayor and Council prior to approval)*

1. **Ordinance No. O-04-2019 (PUBLIC HEARING)** – Public Hearing for an Ordinance of the Mayor and Town Council to Amend Chapter VII, “Public Health, Safety, and Conduct”, Article 5, “Animals”, by repealing and re-enacting Section 7-502, “Owners Responsible for Curbing of Animals”, and Section 7-503, “Control of Vicious Animals”; and by adding Section 7-504, “Unwanted Contact”, Section 7-505, “Animal Noise”, Section 7-506, “Dangerous Animals”, and Section 7-507, “Dog Exercise Area”, and otherwise make conforming changes.

## **ADJOURNMENT**

*(The Mayor and Council may move to close the meeting and may move to reopen the meeting)*

THE NEXT SCHEDULED MEETING(S) OF THE MAYOR AND TOWN COUNCIL WILL BE HELD:

***Wednesday, January 22, 2020, 6:00 pm (Work Session); Monday, February 10, 2020, 7:00 pm***

A2

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Bill No.: \_\_\_\_\_

Drafted by: Clarke

Requested: \_\_\_\_\_

Committee: \_\_\_\_\_

By: **Montgomery County Delegation**

A BILL ENTITLED

AN ACT concerning

**Montgomery County – Alcoholic Beverages – Town of Kensington**

**MC 15–20**

FOR the purpose of authorizing, in the Town of Kensington in Montgomery County, the Board of License Commissioners to renew, approve the transfer of, and otherwise provide for certain licenses; authorizing the Board to augment the number of Class A–K AND CLASS BWT-K license holders under certain circumstances; expanding the hours of sale for Class A–K license holders; REMOVING CERTAIN GEOGRAPHIC BOUNDARIES, AUTHORIZING ADDITIONAL CLASSES OF LICENSES, specifying an annual fee for a certain licenses; requiring that certain license holder maintain a percentage of daily sales from food; prohibiting certain license holders from posting certain signage; and generally relating to alcoholic beverages law in Montgomery County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 25–102

Annotated Code of Maryland

(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 25–1604

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

**\*lr0654\***

Annotated Code of Maryland  
(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 25–1307  
Annotated Code of Maryland  
(2016 Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Alcoholic Beverages**

25–102.

This title applies only in Montgomery County.

25–1604.

(a) This section applies only to Kensington.

(b) **[(1)] EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE [The] Board may issue, RENEW, APPROVE THE TRANSFER OF, AND OTHERWISE PROVIDE FOR:**

**(1) [(i)] a 2–day on–sale beer and wine license or a 2–day on–sale beer, wine, and liquor license to a religious, fraternal, civic, or charitable organization PERSON holding an event, PERMITTED BY THE TOWN, on [municipal] property OWNED OR CONTROLLED BY THE TOWN OR ON PRIVATE COMMERCIAL ZONED PROPERTY BETWEEN 10:00 A.M. AND 10:30 P.M. [located at 3710 Mitchell Street]; [and]**

**(2) [(ii)] ~~IN AGGREGATE, NOT MORE THAN THREE~~ BEER AND WINE TASTING (BWT-K) LICENSES, AS PROVIDED IN §25-1307 OF THIS TITLE;**

**(3) AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A CLASS A–K BEER AND WINE LICENSE THAT AUTHORIZES THE LICENSE HOLDER TO SELL BEER OR WINE FOR OFF–PREMISES CONSUMPTION;**

**(4) a Class B–K beer and wine license THAT AUTHORIZES THE LICENSE HOLDER TO SELL BEER OR WINE AT A HOTEL OR RESTAURANT, AT THE PLACE**

DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION; ~~[or a Class B-K beer, wine, and liquor license for use on the site of a restaurant in the following commercial areas:~~

~~\_\_\_\_\_ 1. the west side of Connecticut Avenue between Knowles Avenue and Perry Avenue;~~

~~\_\_\_\_\_ 2. the east side of Connecticut Avenue between Knowles Avenue and Dupont Street and between University Boulevard and Perry Avenue;~~

~~\_\_\_\_\_ 3. the west side of University Boulevard West;~~

~~\_\_\_\_\_ 4. Dupont Avenue, west of Connecticut Avenue;~~

~~\_\_\_\_\_ 5. Plyers Mill Road, west of Metropolitan Avenue;~~

~~\_\_\_\_\_ 6. Summit Avenue between Knowles Avenue and Howard Avenue;~~

~~\_\_\_\_\_ 7. Detrick Avenue between Knowles Avenue and Howard Avenue;~~

~~\_\_\_\_\_ 8. the southwest side of Metropolitan Avenue between North Kensington Parkway and Plyers Mill Road;~~

~~\_\_\_\_\_ 9. East Howard Avenue;~~

~~\_\_\_\_\_ 10. Armory Avenue between Howard Avenue and Knowles Avenue;~~

~~\_\_\_\_\_ 11. Montgomery Avenue between Howard Avenue and Kensington Parkway;~~

~~\_\_\_\_\_ 12. Kensington Parkway and Frederick Avenue, from Montgomery Avenue to Silver Creek; or~~

~~\_\_\_\_\_ 13. the east side of Connecticut Avenue between Warner Street and Knowles Avenue.]~~

(5) [(2) A] A Class B-K beer, wine, and liquor license [~~or a Class B-K beer and wine license~~] THAT authorizes the LICENSE holder to [~~keep for sale and~~] sell BEER, WINE, AND LIQUOR AT A HOTEL OR RESTAURANT, AT THE PLACE DESCRIBED IN THE LICENSE FOR [~~alcoholic beverages for on-premises ON-~~AND OFF-]PREMISES consumption;

(6) [(3) ~~— A license holder shall maintain average daily receipts from the sale of food, not including carryout food, of at least 40% of the overall average daily receipts.~~] AS PROVIDED IN §25-903 OF THIS TITLE, A CLASS BD-K BEER, WINE, AND LIQUOR LICENSE;

(7) A CLASS C-K BEER AND WINE LICENSE THAT AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, TO MEMBERS OF A PRIVATE SOCIAL CLUB AND GUESTS OF MEMBERS, FOR ON-PREMISES CONSUMPTION;

(8) A CLASS D-K BEER LICENSE THAT AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT THE PLACE DESCRIBED, IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION;

(9) A CLASS D-K BEER AND WINE LICENSE THAT AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION;

(10) A CLASS H-K BEER AND WINE LICENSE THAT AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION;

(11) A CLASS 9 LIMITED DISTILLERY LICENSE TO SELL DISTILLED PRODUCTS THAT THE LICENSE HOLDER MANUFACTURES ON-SITE FOR ON- AND OFF-PREMISES CONSUMPTION.

(12) A CLASS 3 LIMITED WINERY LICENSE TO SELL WINE THAT THE LICENSE HOLDER MANUFACTURES FOR ON- AND OFF-PREMISES CONSUMPTION;

(13) Class 6 limited wine wholesaler's license

(14) Class 7 LIMITED BEER WHOLESALER'S LICENSE.

**(15) AS PROVIDED IN §§25-1103 AND 25-1104 OF THIS TITLE, A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER AND WINE, FOR CLASS D-K LICENSES;**

**(16) AS PROVIDED IN §25-1005 OF THIS TITLE, A CONTINUING CARE RETIREMENT COMMUNITY LICENSE;**

**(17) AS PROVIDED IN §25-1002 OF THIS TITLE, A BEAUTY SALON LICENSE;**

**(18) AS PROVIDED IN §4-1102 OF THIS ARTICLE, PERMIT CONSUMPTION OF WINE NOT PURCHASED FROM THE LICENSE HOLDER ON THE LICENSED PREMISES; AND**

**(19) AS PROVIDED IN §4-1103 OF THIS ARTICLE TO REMOVE A BOTTLE OF WINE FROM A LICENSED PREMISES.**

(c) (1) The Board may issue,

~~[(i)] in aggregate, not more than [four] EIGHT TOTAL Class A–K (off-sale) beer and wine licenses, Class D–K beer licenses and Class D–K beer and wine licenses. [for use in the commercial areas specified in subsection (b)(1)(ii) of this section; and~~

~~————— (ii) ——— subject to § 25–1306 of this title, not more than three beer and wine tasting (BWT) licenses for holding tastings or samplings of beer and wine.~~

~~————— (2) ——— A Class A–K beer and wine license authorizes the holder to keep for sale and sell beer or wine for off–premises consumption 7 days a week, from 10 a.m. to 8 p.m. daily.~~

~~————— (3) ——— A holder of a Class A–K beer and wine license, a Class D–K beer license, and a Class D–K beer and wine license may not, on a side, door, or window of the building of the licensed premises, place a sign or other display that advertises alcoholic beverages in a publicly visible location].~~

**(2) THE BOARD, BY MAJORITY VOTE, MAY ISSUE ONE ADDITIONAL CLASS A–K BEER AND WINE LICENSE IF THERE IS:**

**(I) A PUBLIC HEARING BEFORE THE TOWN COUNCIL; FOLLOWED BY**

**(II) A REQUEST MADE BY THE TOWN.**

**(3) A CLASS A–K BEER AND WINE LICENSE HOLDER MAY SELL BEER AND WINE FOR OFF–PREMISES CONSUMPTION 7 DAYS A WEEK, FROM 10 A.M. TO 10 P.M. DAILY.**

**(4) THE ANNUAL LICENSE FEE FOR A CLASS A–K BEER AND WINE LICENSE IS \$250.**

**(D) The annual license fee FOR A CLASS D–K BEER AND CLASS D–K BEER AND WINE LICENSE is \$400.**

**(E) A CLASS B–K BEER AND WINE, CLASS B–K BEER, WINE, AND LIQUOR, AND CLASS H–K BEER AND WINE LICENSE HOLDER SHALL MAINTAIN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD, NOT INCLUDING CARRYOUT FOOD, OF AT LEAST 40% OF THE OVERALL AVERAGE DAILY RECEIPTS.**

**(F) A LICENSE HOLDER WHOSE LICENSED PREMISES IS LOCATED WITHIN THE TOWN OF KENSINGTON MAY NOT, ON A SIDE, DOOR, OR WINDOW OF THE BUILDING OF THE LICENSED PREMISES, PLACE A SIGN OR OTHER DISPLAY THAT ADVERTISES ALCOHOLIC BEVERAGES IN A PUBLICLY VISIBLE LOCATION.**

#### Section 25-1307

(a) Established. --

(1) There is a beer and wine tasting (BWT-K) license in the Town of Kensington.

~~[(2) The Board may issue not more than three beer and wine tasting licenses in the Town of Kensington.]~~

(b) Authorized holder. --

(1) Subject to paragraph (2) of this subsection, the Board may issue the license to a holder of a Class A license issued under Section 25-1604(c) of this title to hold tastings of beer or wine.

(2) A license holder of a Class A wine license may use the license to hold tastings of wine only.

(c) Scope of authorization. -- The license authorizes the holder to allow tasting of beer or wine on the premises of the license holder only.

(d) Application process. --

(1) A license application shall be made on a form that the Board supplies.

(2) The Board may not require the publication of a license application before issuing the license.

(3) The license may be issued without a public hearing.

(4) If an initial license application is denied, the applicant may request a public hearing before the Board.



(5) A renewal of the license may be made when the Class A license of the license holder is renewed.

(e) Notice to Board before tasting event. -- A license holder shall notify the Board in writing at least 7 days before each tasting event.

(f) Limit on servings. -- A license holder may allow the consumption by an individual for tasting in a quantity of not more than:

- (1) 1 ounce from each offering of wine;
- (2) 4 ounces from all offerings of wine in a day;
- (3) 3 ounces from each offering of beer; and
- (4) 12 ounces from all offerings of beer in a day.

(g) Marked bottle for tasting. -- Once opened, a bottle used for beer or wine tasting shall be marked that it is to be used for that purpose only.

(h) Fee. -- The annual license fee is \$ 200.

SECTION 3. AND BE IT FURTHER ENACTED, that this Act shall take effect July 1, 2020.

# Montgomery County's Pesticide Law

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# Montgomery County's Pesticide Law

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## **NEW:**

**The use of most synthetic pesticides are not allowed on private and County lawns, playgrounds, mulched recreation areas, and private childcare facilities.**

Other provisions apply, but this is the most significant change for County residents and businesses.

Changes took effect June 2019. Montgomery County is the first major municipality in the U.S. to enact such a law.

# Municipalities Currently Exempt:

- Chevy Chase Village
- Town of Chevy Chase
- Garrett Park
- Gaithersburg (considering opting in)
- Kensington
- Laytonsville
- Poolesville
- Rockville (considering opting in)
- Somerset
- Washington Grove

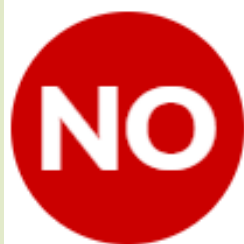


# Request from County:

*Municipalities that are not currently opted in to 33B of the County Code are being asked to opt in.*

- Benefits:
  - Most municipalities are opted in to most County environmental codes—residents often expect this
  - Pesticide code protects the residents of your town
  - Limit confusion among residents
  - Limit confusion among contractors
  - County provides all education and enforcement—no cost or burden on town officials or budgets

# What's Not Allowed



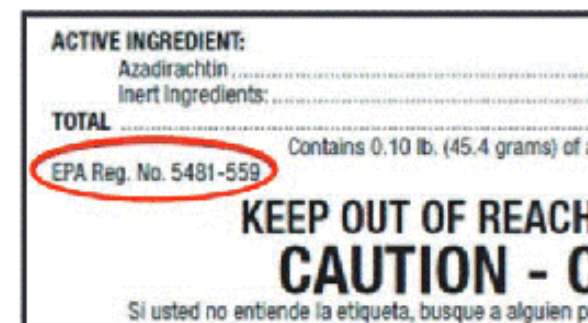
**Weed & Feed Products**

**WEED & FEED**

- These products contain both a fertilizer and pesticide and none of them are allowed for use under County law on lawns.



**EPA Reg. No. on label Only**



- Many of these products contain chemicals that cannot be used on lawns, playgrounds, childcare facilities, or mulched recreation areas, unless they also include one of the "Allowed" logos or statements on this page. [Check with DEP](#) if a product only has an EPA label and you think it might be allowed for use under the law prior to purchase or application.
- [Some exemptions apply.](#)

# What Is Allowed



## Product that are OMRI-listed For Organic Use



- Certified by the Organic Materials Review Institute, this product can be used on lawns, playgrounds, childcare facilities, and mulched recreation areas in the County.
- Most, but not all OMRI certified products use the logo.
- [See full, up-to-date list of OMRI products](#)



## Products listed for organic gardening



- Listed by the USDA for use in organic crop production, these products can be used on lawns, playgrounds, childcare facilities, and mulched recreation areas in the County.
- These products may have an EPA registration number on the label.
- Herbicides with the active ingredient Iron HEDTA will not include this logo, but are allowed for use in Montgomery County.



## Certain EPA-exempt products

Exempt from EPA  
labeling under  
FIFRA 25(b)

- Designated a “minimum risk” pesticide by the EPA, products that do not require an EPA registration number can be used on lawns, playgrounds, childcare facilities, and mulched recreation areas in the County.
- An EPA-exempt or 25(b) statement will typically be on the outside of the container, or on the first two pages of the attached label. None of these products will include an EPA registration number.

# Exemptions:

- The law allows for the use of *Registered Pesticides* to:
- control weeds as defined in County Code Chapter 58, Weeds (thistles, Johnsongrass, shattercane, and kudzu)
- control invasive species as adopted under this law (*Lesser celandine, chameleon plant/Houttoynia, wavyleaf basketgrass, Japanese knotweed/Fallopia* )
- control disease vectors
- control biting or stinging insects or stinging plants
- control organisms that threaten the health of trees or shrubs
- control indoor pests, if applied around or near the foundation of a building
- control a pest outbreak that poses an imminent threat to human health or prevent significant economic damage if a registered pesticide is not used



# Exemptions:

- MCPS public schools are State property are already governed by a State-mandated IPM plan, which requires other chemical-free means are attempted before using a pesticide. Advance notification to parents required.
- M-NCCPC parks are State Property and have their own IPM plan. They have committed to pesticide-free playgrounds and lawns in local (not regional) parks. The sports fields they manage on MCPS property are pesticide-free. Advance notification to public required.

# Violations:

- Violations can be filed via the County's Customer Service Center:
  - By telephone by dialing 311 (within the County) or 240-777-0311
  - On-line at [montgomerycountymd.gov/mc311](http://montgomerycountymd.gov/mc311) (enter the keyword "pesticide" and click on the link entitled "Pesticide Law")

# Questions?

**[mary.travaglini@montgomerycountymd.gov](mailto:mary.travaglini@montgomerycountymd.gov)**

**[www.montgomerycountymd.gov/lawns](http://www.montgomerycountymd.gov/lawns)**



DRAFT Ordinance No. O-04-2019

Introduced: 12-9-2019

Adopted:

**SUBJECT:** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL TO AMEND CHAPTER VII, "PUBLIC HEALTH, SAFETY, AND CONDUCT", ARTICLE 5, "ANIMALS", BY REPEALING AND RE-ENACTING SECTION 7-502, "OWNERS RESPONSIBLE FOR CURBING OF ANIMALS", AND SECTION 7-503, "CONTROL OF VICIOUS ANIMALS"; AND BY ADDING SECTION 7-504, "UNWANTED CONTACT", SECTION 7-505, "ANIMAL NOISE", SECTION 7-506, "DANGEROUS ANIMALS", AND SECTION 7-507, "DOG EXERCISE AREA", AND OTHERWISE MAKE CONFORMING CHANGES.

WHEREAS, §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, authorizes the Mayor and Town Council to adopt such ordinances as it deems necessary to assure the good government of the Town of Kensington; to protect and preserve the rights, property and privileges of the Town; to preserve peace and good order; to secure persons and property from danger and destruction; and to protect the health, comfort and convenience of Town residents; and

WHEREAS, Article VI, "Powers of the Council", Section 601, "General Powers", of the Town Charter authorizes the Mayor and Council to adopt such ordinances as it may deem necessary for the good government of the Town; for the protection and preservation of property, rights, and privileges; for the preservation of peace and good order; for securing person and property from violation, danger, or destruction; and for the protection and promotion of the health, safety, and welfare, of the residents and visitors of the Town; and

WHEREAS, the Mayor and Town Council have adopted Chapter VII, "Public Health, Safety, and Conduct", Article 5, "Animals", to govern the care and maintenance of animals in the Town; and

WHEREAS, the Mayor and Town Council have determined that it is in the public interest to amend Article 5, "Animals", to update the code, allow the establishment of a dog exercise area and provide regulations for its use, and otherwise make conforming changes.

NOW THEREFORE, the Mayor and Town Council of Kensington does hereby adopt the following ordinance:

**CAPS**

[Brackets]

Asterisks \* \* \*

CAPS

[Brackets]

: Indicate matter added to existing law.

: Indicate matter deleted from law.

: Indicate matter remaining unchanged in existing law but not set forth in Ordinance

:Indicate matter added in amendment

: Indicate matter deleted in amendment

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL TO AMEND CHAPTER VII, "PUBLIC HEALTH, SAFETY, AND CONDUCT", ARTICLE 5, "ANIMALS", BY REPEALING AND RE-ENACTING SECTION 7-502, "OWNERS RESPONSIBLE FOR CURBING OF ANIMALS", AND SECTION 7-503, "CONTROL OF VICIOUS ANIMALS"; AND BY ADDING SECTION 7-504, "UNWANTED CONTACT", SECTION 7-505, "ANIMAL NOISE", SECTION 7-506, "DANGEROUS ANIMALS", AND SECTION 7-507, "DOG EXERCISE AREA", AND OTHERWISE MAKE CONFORMING CHANGES.

**Section 1.** NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of Kensington that Chapter VII, "Public Health, Safety, and Conduct", Article 5, "Animals", Section 7-502, "Owners Responsible for Curbing of Animals", be repealed, re-enacted and amended to read as follows:

Section 7-502. ~~[Owners Responsible for Curbing Animals]~~ **ANIMAL DEFECATION**

~~[(a) Pet owners shall clean up and properly dispose of their pet's excrement when it is deposited on public property where people walk or congregate or on private property other than that of the owners.]~~

~~[(b) It shall be unlawful for any person to allow his or her dog to be on school grounds or public recreation areas when people are present unless such a dog is on a leash and under the immediate control of a responsible person.]~~

(A) AN OWNER MUST NOT ALLOW AN ANIMAL TO DEFECATE ON PROPERTY OUTSIDE OF THE OWNER'S PROPERTY, EXCEPT THAT AN ANIMAL MAY DEFECATE ON PUBLIC PROPERTY OR THE COMMON AREA OF PROPERTY IN WHICH THE OWNER SHARES AN INTEREST IF THE OWNER IMMEDIATELY REMOVES AND DISPOSES OF THE FECES BY A SANITARY METHOD APPROVED BY THE TOWN. THIS PARAGRAPH DOES NOT AFFECT ANY RIGHT OF A COMMON OWNERSHIP COMMUNITY TO REGULATE OR BAN ANIMALS FROM THE COMMUNITY'S PROPERTY.

(B) ANIMAL FECES MAY BE COLLECTED IN A PLASTIC BAG AND DISPOSED OF IN A TOWN TRASH ~~CART~~RECEPTACLE, IF THE BAG IS PLACED INSIDE ANOTHER PLASTIC BAG.

(c) ~~A~~ CITATION MAY BE ISSUED TO THE OWNER OR CUSTODIAN OF THE ANIMAL FOR A VIOLATION OF THIS SECTION AS A CLASS G MUNICIPAL INFRACTION, SUBJECT TO THE PENALTY PRESCRIBED IN CHAPTER X OF THIS CODE OF ORDINANCES

**Section 2.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the Town of Kensington that Chapter VII, "Public Health, Safety, and Conduct", Article 5, "Animals",

CAPS

[Brackets]

Asterisks \*\*\*

CAPS

[Brackets]

: Indicate matter added to existing law.

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: Indicate matter remaining unchanged in existing law but not set forth in Ordinance

: Indicate matter added in amendment

: Indicate matter deleted in amendment



Section 7-503, "Control of Vicious Animals", be repealed, re-enacted and amended to read as follows:

Section 7-503. ~~[Control of Vicious Animals]~~ **ANIMALS AT LARGE**

~~[(a) It shall be unlawful for any person to let any vicious or dangerous animal out of secure confinement within his or her residence unless such animal is muzzled, leashed and under the immediate control of a responsible person.]~~

**(A) ANIMALS AT LARGE ARE PROHIBITED.**

**(B) ANY DOG IS AT LARGE IF IT IS OUTSIDE THE OWNER'S PREMISES AND NOT LEASHED, UNLESS IT IS A SERVICE DOG, IS IN A DOG EXERCISE AREA DESIGNATED BY THE TOWN OR THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION, OR IS PARTICIPATING IN AN ACTIVITY APPROVED BY THE TOWN.**

~~[(b) A violation of this Section shall be enforced by Montgomery County Police.]~~

**(C) ANY OTHER ANIMAL (I.E. CAT, LIVESTOCK,) IS AT LARGE IF IT IS OUTSIDE THE OWNER'S PREMISES AND NOT LEASHED OR IMMEDIATELY RESPONSIVE TO VERBAL OR NON-VERBAL DIRECTION.**

**(D) THE COMMON AREA OF A HOMEOWNER'S ASSOCIATION, CONDOMINIUM OR COOPERATIVE IS NOT THE OWNER'S PREMISES.**

**(E) THIS SECTION MAY BE ENFORCED BY THE MONTGOMERY COUNTY POLICE.**

**(F) THE TOWN OF KENSINGTON RESERVES THE RIGHT TO ISSUE A CITATION TO THE OWNER OR CUSTODIAN OF THE ANIMAL FOR A VIOLATION OF THIS SECTION AS A CLASS G MUNICIPAL INFRACTION, SUBJECT TO THE PENALTY PRESCRIBED IN CHAPTER X OF THIS CODE OF ORDINANCES.**

**Section 3. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the Town of Kensington that Chapter VII, "Public Health, Safety, and Conduct", Article 5, "Animals", Section 7-504, "Unwanted Contact", be and is hereby enacted to read as follows:

**SECTION 7-504. UNWANTED CONTACT**

**(A) UNWELCOME OR UNSOLICITED THREATENING PHYSICAL CONTACT OR CLOSE PROXIMITY TO A PERSON OR DOMESTIC ANIMAL, SUCH AS BITING, CHASING, TRACKING,**

**CAPS**

**[Brackets]**

**Asterisks \* \* \***

**CAPS**

**[Brackets]**

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:Indicate matter added in amendment

: Indicate matter deleted in amendment

**INHIBITING MOVEMENT, OR JUMPING, THAT OCCURS OUTSIDE THE OWNER'S PROPERTY AND THAT MAY CAUSE ALARM IN A REASONABLE PERSON, IS PROHIBITED.**

**(B) THIS SECTION MAY BE ENFORCED BY THE MONTGOMERY COUNTY POLICE.**

**(C) THE TOWN OF KENSINGTON RESERVES THE RIGHT TO ISSUE A CITATION TO THE OWNER OR CUSTODIAN OF THE ANIMAL FOR VIOLATION OF THIS SECTION AS A CLASS A MUNICIPAL INFRACTION SUBJECT TO THE PENALTY PRESCRIBED IN CHAPTER X OF THIS CODE OF ORDINANCES.**

**Section 4. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the Town of Kensington that Chapter VII, "Public Health, Safety, and Conduct", Article 5, "Animals", Section 7-505, "Animal Noise", be and is hereby enacted to read as follows:

**SECTION 7-505. ANIMAL NOISE**

**(A) AN OWNER OR CUSTODIAN MUST NOT ALLOW AN ANIMAL TO CAUSE NOISE THAT IS LOUD ENOUGH AND PERSISTENT ENOUGH TO DISTURB ANOTHER PERSON'S QUIET ENJOYMENT.**

**(B) THIS SECTION MAY BE ENFORCED BY THE MONTGOMERY COUNTY POLICE.**

**Section 5. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the Town of Kensington that Chapter VII, "Public Health, Safety, and Conduct", Article 5, "Animals", Section 7-506, "Dangerous Animals", be and is hereby enacted to read as follows:

**SECTION 7-506. DANGEROUS ANIMALS**

**(A) ANIMALS WHICH ARE DEEMED TO BE DANGEROUS BY THE MONTGOMERY COUNTY ANIMAL MATTERS BOARD MUST BE KEPT CONFINED IN A SECURE ENCLOSURE TO PREVENT DIRECT CONTACT WITH HUMANS OR OTHER ANIMALS, AND MUST BE LEASHED AND MUZZLED, AND UNDER THE CONTROL OF A PERSON AT LEAST 18 YEARS WHO IS PHYSICALLY ABLE TO RESTRAIN THE ANIMAL, AT ANY TIME IT IS REMOVED FROM THE OWNER'S PROPERTY.**

**(B) A VIOLATION OF THIS SECTION MAYBE ENFORCED BY THE MONTGOMERY COUNTY POLICE.**

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**[Brackets]**

**Asterisks \*\*\***

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**[Brackets]**

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**Section 6. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the Town of Kensington that Chapter VII, “Public Health, Safety, and Conduct”, Article 5, “Animals”, Section 7-507, “Dog Exercise Area”, be and is hereby enacted to read as follows:

**SECTION 7-506. DOG EXERCISE AREA**

**(A) THE MAYOR AND TOWN COUNCIL MAY ESTABLISH A DOG EXERCISE AREA IN THE TOWN. THE FOLLOWING REQUIREMENTS APPLY TO ANY DOG EXERCISE AREA SO ESTABLISHED.**

**(1) ALL DOG OWNERS/HANDLERS MUST COMPLY WITH THESE RULES AND REGULATIONS AT ALL TIMES WHEN ACCESSING THE DOG EXERCISE AREA.**

**(2) ALL DOGS MUST BE ACCOMPANIED BY RESPONSIBLE OWNERS/HANDLERS WHO ARE PHYSICALLY ABLE TO EXERCISE EFFECTIVE RESTRAINT OF THE DOG(S), AND WHO WILL RESTRAIN THEIR DOGS IF NECESSARY.**

**(3) OWNERS/HANDLERS MUST REMAIN IN THE DOG EXERCISE AREA WITH THEIR DOGS AND MUST KEEP THEIR DOGS IN SIGHT AND UNDER THEIR CONTROL AT ALL TIMES.**

**(4) THE DOG EXERCISE AREA HOURS OF OPERATION ARE DAWN TO DUSK DAILY. NO PERSON SHALL USE THE FACILITY OTHER THAN DURING THE- DESIGNATED HOURS OF USAGE.**

**(5) INDIVIDUAL OWNERS/HANDLERS MAY BRING NO MORE THAN TWO (2) DOGS INTO THE DOG EXERCISE AREA AT ANY ONE TIME.**

**(6) OWNERS/HANDLERS MUST IMMEDIATELY LEASH AND REMOVE FROM THE DOG EXERCISE AREA ANY DOG SHOWING AGGRESSION TOWARDS PEOPLE OR OTHER DOGS. DOGS WITH A KNOWN HISTORY OF AGGRESSIVE OR DANGEROUS BEHAVIOR AND/OR DOGS THAT HAVE BEEN DEEMED “POTENTIALLY DANGEROUS” OR “DANGEROUS” BY ANY STATE, COUNTY OR TOWN ARE PROHIBITED AND ARE NOT PERMITTED TO ENTER THE DOG EXERCISE AREA.**

**(7) ALL DOGS 6 MONTHS OR OLDER MUST BE SPRAYED/NEUTERED.**

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**(8) ANY DOG WITH A TRANSMISSIBLE, COMMUNICABLE DISEASE MAY NOT ENTER THE DOG EXERCISE AREA.**

**(9) ALL DOGS ENTERING THE DOG EXERCISE AREA MUST BE CURRENTLY LICENSED BY AN AUTHORIZED JURISDICTION AND MUST BE CURRENTLY VACCINATED AGAINST THE RABIES VIRUS. ALL DOGS ARE REQUIRED TO WEAR A CURRENT RABIES VACCINATION TAG WHEN USING THE FACILITY.**

**(10) PUPPIES USING THE DOG EXERCISE AREA MUST BE FOUR (4) MONTHS OF AGE OR OLDER.**

**(11) DOGS MUST BE IMMEDIATELY LEASHED AND RESTRAINED WHEN ADVISED TO DO SO BY A TOWN STAFF /CODE ENFORCEMENT OFFICER, AND ANY PERSON AND THEIR DOG MUST LEAVE THE DOG EXERCISE AREA WHEN ORDERED TO DO SO BY A TOWN STAFF MEMBER/CODE OFFICER.**

**(12) EATING, SMOKING OR VAPING ARE NOT PERMITTED INSIDE THE DOG EXERCISE AREA.**

**(13) NO DOG FOOD TREATS OR TOYS, EXCEPT TENNIS BALLS, ARE PERMITTED IN THE DOG EXERCISE AREA.**

**(14) NO BARE FEET ARE PERMITTED IN THE DOG EXERCISE AREA.**

**(15) OWNERS/HANDLERS SHALL CARRY A LEASH AT ALL TIMES, AND DOGS MUST BE LEASHED WHEN ENTERING AND LEAVING THE DOG EXERCISE AREA. "SPIKED" DOG COLLARS ARE NOT PERMITTED INSIDE THE DOG EXERCISE AREA.**

**(16) OWNERS/HANDLERS ARE LEGALLY RESPONSIBLE FOR THE BEHAVIOR OF THEIR DOGS AND REMAIN LEGALLY RESPONSIBLE FOR ANY INJURIES OR DAMAGE CAUSED BY THEIR DOGS.**

**(17) OWNERS/HANDLERS ARE RESPONSIBLE FOR SECURELY CLOSING AND LATCHING ALL GATES AS THEY ENTER OR EXIT THE DOG EXERCISE AREA.**

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**(18) OWNERS/HANDLERS MUST PICK UP AND PROPERLY DISPOSE OF THEIR DOG’S FECES. DISPOSAL BAGS ARE PROVIDED FOR THIS PURPOSE.**

**(19) DOGS MUST NOT BE ALLOWED TO DIG. ANY HOLES CREATED BY A DOG SHALL BE IMMEDIATELY CORRECTED AND FILLED BY THE DOG’S OWNER/HANDLER.**

**(20) CHILDREN UNDER THE AGE OF ELEVEN (11) MUST BE ACCOMPANIED AT ALL TIMES BY A RESPONSIBLE ADULT WHO WILL BE ACCOUNTABLE FOR THE BEHAVIOR AND WELLBEING OF THE CHILD. CHILDREN SHOULD BE DISCOURAGED FROM APPROACHING OR PLAYING WITH UNFAMILIAR DOGS.**

**(21) OWNERS/HANDLERS ARE NOT PERMITTED TO GROOM OR BATHE THEIR DOGS INSIDE THE DOG EXERCISE AREA.**

**(22) PROFESSIONAL DOG SERVICES SUCH AS, BUT NOT LIMITED TO, TRAINING, BEHAVIOR MODIFICATION AND GROOMING ARE PROHIBITED INSIDE THE DOG EXERCISE AREA.**

**(23) UPON A FINDING THAT A DOG IS DANGEROUS, POTENTIALLY DANGEROUS OR A PUBLIC NUISANCE AS DEFINED IN CHAPTER 5 OF THE MONTGOMERY COUNTY CODE, OR THAT A DOG HAS BITTEN A PERSON OR ANOTHER DOG WITHOUT PROVOCATION, THE TOWN MAY BAN THE DOG FROM ACCESSING THE DOG EXERCISE AREA. APPEALS FROM THAT FINDING WILL BE MADE TO THE TOWN MANAGER.**

**(B) A CITATION TO THE OWNER OR CUSTODIAN OF THE ANIMAL MAY BE ISSUED FOR VIOLATION OF THIS SECTION AS A CLASS A-G MUNICIPAL INFRACTION SUBJECT TO THE PENALTY PRESCRIBED IN CHAPTER X OF THIS CODE OF ORDINANCES.**

AND BE IT FURTHER ORDAINED AND ORDERED, this \_\_\_\_ day of January , 2020, by the Mayor and Town Council of Kensington, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Article VI, “Powers of the Council”, Section 601, “General Powers” of the Town Charter that:

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(1) If any part of provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part of provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This ordinance shall take effect on the \_\_\_\_ day of January, 2020, provided the following:

(a) Posted at Town Hall by the next business day following introduction; and

(b) Posted on the official Town website; and

(c) Sent to those persons listed on the official Town email list/mail subscription service; and

(d) Published once prior to the public hearing in the Town newsletter or sent by substitute regular mail to newsletter circulation addresses.

**INTRODUCED** by the Mayor and Town Council of Kensington, Maryland at the regular public meeting assembled on the \_\_\_\_ day of December, 2020.

**ADOPTED** by the Mayor and Town Council of Kensington, Maryland at the regular public meeting assembled on the \_\_\_\_ day of January , 2020.

**EFFECTIVE** the \_\_\_\_ day of January, 2020.

**ATTEST:**

**TOWN OF KENSINGTON**

By: \_\_\_\_\_  
 Susan C. Engels, Clerk – Treasurer

\_\_\_\_\_  
 Tracey C. Furman, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
 Suellen M. Ferguson, Town Attorney

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