

Mayor Tracey Furman

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



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

Released: December 6, 2019

**Monday, December 9, 2019
Town Council Meeting, 7:00 pm**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

APPROVAL OF MINUTES

1. Regular Town Council Meeting of November 18, 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. **Traffic Committee** – Update from the December 4, 2019 Traffic Committee meeting.
3. **Development Review Board (DRB)** –
 - a. Update from the November 19, 2019 DRB Meeting on the proposed 4000 Knowles Avenue Townhome project.
 - b. Discuss and review the DRAFT Design Guidelines.

FROM THE TOWN MANAGER AND STAFF

Audit Committee - Accept the Audit Committee’s report for Fiscal Year 2018-2019 (FY19).

PUBLIC APPEARANCES

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

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-03-2019** - An Ordinance of the Mayor and Town Council Amending Chapter VI, Article I, “Signs and Solicitors”, Sections 6-101, “Signs”; 6-102, “Town Sign

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Permit Required”; 6-103, “Signs in the Public Right-of-Way”; 6-104, “Signs on Private Property – CRT, CRN, and Industrial Zones”; and 6-106, “Enforcement and Penalties”, to identify the types of signs that are authorized and are required to be permitted, expand the prohibition on pole signs, to regulate limited duration signs on private property, to clarify that all illuminated signs are regulated in the same manner, and to make conforming changes.

2. **Ordinance No. O-04-2019 (Introduction)** – Introduction of 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:

Monday, January 6, 2020, 7:00 pm

The Town of Kensington Development Review Board Committee

Development Review Board Committee Structure and Process Guidelines

History

Beginning in 2008, The Town of Kensington, (the “Town,” “Kensington”) worked for over four years to update the Kensington Sector Plan (“Sector Plan”), the master plan for development within the Town of Kensington. Prior to this update, the most recent Master Plan for Kensington was approved in 1978 and reflected a very different vision for the Town of Kensington and surrounding area. The purpose of this updated Kensington Sector Plan is to provide an updated vision for development, or in some cases, re-development of area land (herein referred to generally as “development”) in and around the Town of Kensington and design guidelines for achieving designs that comply with the vision set forth in the Sector Plan. The updated Kensington Sector Plan was formally adopted on March 20, 2012. Following the Sector Plan, the Sectional Zoning Map establishing Kensington’s Commercial Residential Town (“CRT”) and Commercial Residential Neighborhood (“CRN”) zones was adopted October 16, 2012. Finally, the Town approved the Kensington Sector Plan Design Guidelines on March 7, 2013.

The Town Council created the Development Review Board (“DRB”) by passing Resolution R-05-2013, on March 25, 2013. Since its inception, the DRB function has been revised through subsequent Resolutions of the Mayor and Town Council (“Council”). Chief among these has been the dissolution of the Town’s Revitalization Committee and incorporating its functions into the DRB, to include a revision of the DRB membership structure (R-09-2015), establishment of a Chair of the DRB (R-10-2016), and a further change to the membership structure by making the Council positions on the DRB appointed by the Mayor during the Organizational Meeting (R-13-2017).

Purpose

As described in R-05-2013, the DRB was created to review proposals for development in the Town with respect to their conformance with the Kensington Sector Plan, the CRT and CRN Zones, the Kensington Sector Plan Design Guidelines, and historic preservation requirements (herein collectively referred to as the “Kensington Sector Plan Guidelines”).

The DRB reviews plans for development at an early stage of the development process, ideally prior to an applicant's filing with Montgomery County, and makes recommendations to the Council with respect to the development.

The DRB is an advisory committee only. As such, its role is to review development projects with applicants, solicit additional information from and provide feedback to applicants regarding their proposed development plans. At the Mayor's request, the DRB will present their report on any development project to the Town Council and/or the Town Attorney. The DRB's report is meant to provide the Council with the DRB's overall impression of an applicant's plan and its conformance to the Kensington Sector Plan Guidelines. Finally, the DRB may make a recommendation to the Council related to a proposed development project. Example recommendations may be:

- For the DRB to continue meeting with the applicant to help revise the applicant's plans to better conform to the Kensington Sector Plan
- For the Council to draft a letter of support or opposition of the proposed plan as appropriate
- For the Council to introduce and vote on a resolution of support or opposition of the proposed plan and to whom a copy of the resolution and the vote count should be sent
- For the Town Attorney to review the project

DRB members are expected to be knowledgeable of the Town and the Kensington Sector Plan Guidelines and to be willing to review development plans and engage with the applicant in order to:

- Provide feedback to applicants;
- Solicit additional information from applicants;
- Recommend changes to a development plan to bring it into conformance with the Kensington Sector Plan Guidelines;

The DRB process is intended to make the Town Council's review of projects more efficient and effective. In its capacity as an advisory committee, however, the DRB's role is not to directly support or oppose a project, but to advise the Town Council.

Development Review Board Process

The DRB meets as a committee as needed. As an applicant prepares a plan for development of a property within the Town of Kensington, the Town asks that the applicant meet with the DRB to present the plan and to allow the DRB to review the plan and its conformance to the Kensington Sector Plan Guidelines.

The Council must post notice of DRB meetings per the Maryland Open Meetings Act (Md. Code §3-101). DRB meetings are open to the public and members of the public are entitled to attend DRB meetings, per the Open Meetings Act. Md. Code §3-103. The DRB shall follow Section 408 of the Town Charter and determine its own rules and order of business for DRB meetings.

During the course of reviewing a development project, the DRB will review the applicant's plans and exhibits and interview their team. The DRB will typically assess preliminary site plans, elevations, schematics, floor plans, engineering plans, to determine where the development is located, the scope of the development, the intended use, and the type of development (e.g. by-right, optional method, or conditional use). The DRB may develop job aides, such as questionnaires or checklists, to support its review process of applicant plans. From time to time where it may be beneficial, the DRB may invite members of the County Planning Department's Technical Staff to attend DRB meetings with or without the Applicant.

The DRB will review plans for compliance with the Kensington Sector Plan Guidelines. Specifically the members will assess project density, floor area ratio ("FAR"), total square footage, architecture, building height, setbacks, building massing, materials, step backs, parking, lighting, signage, landscaping, floor plans, intended use, and traffic circulation. Whenever possible, the DRB will encourage applicants to schedule and participate in one or more public community meetings prior to filing any application with Montgomery County.

At the conclusion of a DRB meeting, the DRB Chair will prepare minutes of the meeting. These minutes are public record and will be posted to the Town of Kensington's website and shared with the Mayor and Town Council. In addition, DRB updates to be provided to the Town Council will be included on the agenda of the Town Council meeting where the DRB Report will be given.

Committee Membership

The DRB consists of seven (7) members to be appointed by the Mayor, with the approval of the Council. The composition of the DRB, as established through a Resolution of the Council, is as follows:

- Two (2) members of the Town Council, to be appointed by the Mayor during the Organizational Meeting of the Council in July of each year. Members from the Council serve a one-year term, coinciding with the Town's election cycle.
- Two (2) members from a professional field related to development, each of whom is an architect, engineer, developer, or land use attorney. Professional field members serve a two-year term.
- Two (2) members that are residents of the Town of Kensington. Town resident members serve a two-year term.
- One (1) member of the Town business community. Town business members serve a two-year term.

The town resident, professional, and town business members of the DRB serve staggered, two-year terms such that three positions are appointed on even numbered years and two positions are appointed on odd number years. The Town Council positions are appointed annually by the Mayor during the Council's Organization Meeting, typically held in July.

Members of the DRB are appointed by the Mayor and confirmed by a vote of the Council. The Mayor may appoint or re-appoint any member provided the appointee meets the criteria of: resident, business member, or professional. Appointees from the town business and professional category are not required to be residents of the Town.

Serving on the DRB is an unpaid, volunteer position. Should the criteria for a member of the DRB change such that he/she no longer meets the criteria, the member will be required to resign and the Mayor will appoint a new member, who meets the criteria, as a replacement. For example, if a member of the DRB serving in a Town resident role were to move out of the Town of Kensington, they would no longer qualify as a resident and thus would be required to resign their role on the DRB.

Members of the DRB are required to submit an annual financial disclosure to the Town and are subject to the Town's Public Ethics rules stated in Article 3 of the Town of Kensington's Code of Ordinances.

Committee Chair

The Mayor shall appoint, with the approval of the Council, one member of the DRB to serve as Chair of the DRB. The Chair of the DRB is the main point of contact between the Mayor and Council and the DRB and is responsible for scheduling DRB meetings and for providing DRB reports on projects reviewed by the DRB to the Mayor and Council during Town Council meetings as requested by the Mayor. As may be requested by the Mayor, the Chair of the DRB may be called upon to testify in front of the Montgomery County Planning Board, the Office of Zoning and Administrative Hearings ("OZAH") Hearing Examiner, the OZAH Appeals Board, or the Circuit Court in relation to a project reviewed by the DRB.

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE TOWN OF KENSINGTON
AMENDING CHAPTER VI, ARTICLE I, “SIGNS AND SOLICITORS”, SECTIONS 6-101,
“SIGNS”; 6-102 “TOWN SIGN PERMIT REQUIRED”; 6-103, “SIGNS IN THE PUBLIC
RIGHT OF WAY”; 6-104 “SIGNS ON PRIVATE PROPERTY – CRT, CRN AND
INDUSTRIAL ZONES” AND 6-106, “ENFORCEMENT AND PENALTIES” TO
IDENTIFY THE TYPES OF SIGNS THAT ARE AUTHORIZED AND ARE REQUIRED
TO BE PERMITTED, EXPAND THE PROHIBITION ON POLE SIGNS, TO REGULATE
LIMITED DURATION SIGN ON PRIVATE PROPERTY, TO CLARIFY THAT ALL
ILLUMINATED SIGNS ARE REGULATED IN THE SAME MANNER AND TO MAKE
CONFORMING CHANGES.

WHEREAS, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the Town of Kensington (hereinafter, the “Town”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality and to prevent and remove nuisances; and

WHEREAS, pursuant to the Land Use Article, Annotated Code of Maryland the Town is authorized to adopt additional or stricter commercial sign regulations than are otherwise imposed by the State, the Maryland National Capital Park and Planning Commission, or Montgomery County; and

WHEREAS, the Mayor and Council have determined that it is in the public interest and will promote the preservation, improvement and redevelopment of the Town’s commercial areas to adopt certain sign regulations; and

WHEREAS, the Mayor and Council have determined that clarification with respect to A-frame and sandwich signs requirements, permitting requirements, and signs in the right of way, a reduction in the landscape requirement and a revision of the length of time that a limited duration sign may be posted in the right of way are appropriate and in the public interest.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of Kensington, Maryland that Chapter 6, “Signs” Article 1 “Signs and Solicitors”, Section 6-101 “Signs” of the Code of the Town of Kensington be, and is hereby, repealed and re-enacted with amendments to read as follows:

Section 6-101. Signs

(a) The Town shall have the power to enforce, and incorporates by reference herein as if fully set forth, the provisions of Chapter 59, Article 59-6, Division 6.7 of the Montgomery County Code, as amended, entitled "Signs", except as otherwise provided herein. This Article is an exception to the general exemption from County law contained in Section 1-202 of this Code.

(b) The purpose of Sections 6-101 through 6-106 of this Article is to regulate the location, size, placement and certain features of signs placed in the public right of way, and in commercial and industrial zoned properties. These regulations do not apply to signs in a residential zone, unless specifically stated. These regulations are intended to protect the public health, safety, comfort and welfare, to enable the public to locate goods, services and facilities without difficulty, danger or confusion, to prevent hazards to life and property, and to preserve and strengthen the character of the town and to protect property values.

(c) The following sections contain additional requirements that supplement portions of Chapter 59, Article 59-6, Division 6.7, of the Montgomery County Code and, in cases of conflict, shall supersede and take precedence over Chapter 59, Article 59-6, Division 6.7, of the Montgomery County Code.

(D) ONLY SIGNS DEFINED AS PERMANENT OR LIMITED DURATION SIGNS ARE AUTHORIZED. TEMPORARY SIGNS, AND BANNERS, ARE PROHIBITED. PERMANENT SIGNS ARE DEFINED AS A SIGN, REQUIRING A PERMIT FROM MONTGOMERY COUNTY, THAT IS CONSTRUCTED IN A MANNER AND OF MATERIALS THAT WILL WITHSTAND LONG-TERM DISPLAY AND IS INTENDED TO BE DISPLAYED FOR AN INDEFINITE PERIOD OF TIME. A LIMITED DURATION SIGN IS DEFINED AS A NON-PERMANENT SIGN THAT IS:

(1) DISPLAYED ON PRIVATE PROPERTY, AND IS CONSTRUCTED IN A MANNER AND OF MATERIALS THAT WILL NOT WITHSTAND LONG-TERM DISPLAY, AND/OR IS NOT INTENDED TO BE DISPLAYED FOR AN INDEFINITE PERIOD; OR

(2) WITHIN THE PUBLIC RIGHT-OF-WAY. **Section 2. BE IT FURTHER ORDAINED**

AND ENACTED by the Mayor and Council of the Town of Kensington that, Chapter 6, “Signs and Commercial Regulations” Article 1 “Signs and Solicitors”, Section 6-102 “Town Sign Permit

Required” of the Code of the Town of Kensington be, and is hereby, repealed and re-enacted with amendments to read as follows:

Section 6-102. Town Sign Permit Required – CRT, CRN and Industrial Zones

(a) THE PERMITTING REQUIREMENTS OF THIS CHAPTER DO NOT EXEMPT ANY APPLICANT FROM OBTAINING PROPER PERMITS FROM MONTGOMERY COUNTY AS REQUIRED BY COUNTY LAW.

(b) It shall be unlawful to erect, construct, POST, MOUNT, locate, place or alter any permanent sign or part thereof, AND ANY LIMITED DURATION SIGN OR PART THEREOF~~[or any A-frame type sign or sandwich type sign]~~, without first obtaining a sign permit from the Town. A permit application, together with a copy of plans and specifications for the work and any required fee, shall be filed with the Town Manager or designee, who shall issue a permit in accordance with the provisions of the Town code. THE PERMIT SHALL INCLUDE DATE OF ISSUANCE. By application for a sign permit, the applicant and owner give consent to the Town Manager or designee to enter onto the property to inspect any activity encompassed in the permit as often and at such times as deemed necessary during the course of the activity to ensure compliance with this chapter and other applicable law. Applicants must provide the Town with any information deemed necessary to process the permit.

~~[(b) The permitting requirements of this Chapter do not exempt any applicant from obtaining proper permits from Montgomery County as required by County law.]~~

(c) Permit fees shall be set by resolution of the Council.

(d) The date of erection of any limited duration sign must be written in indelible ink on the lower right corner of the sign.

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the Town of Kensington that, Chapter 6, “Signs and Commercial Regulations” Article 1 “Signs and Solicitors”, Section 6-103 “Signs in the Public Right-of-Way” of the Code of the Town of Kensington be, and is hereby, repealed and re-enacted with amendments to read as follows:

Section 6-103. Signs in the Public Right-of-Way.

(a) Except as otherwise provided herein, it shall be unlawful to display or post any sign in a public right of way under the Town’s jurisdiction.

(b) It ~~[shall be]~~ IS unlawful to attach any otherwise lawful sign to utility poles, trees, fences or other signs in the public right of way.

(c) It shall be lawful to post or mount limited duration signs in the public right of way from 10:00 a.m. on Friday through 5:00 p.m. the following Sunday. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IT IS PROHIBITED AT ALL TIMES TO POST OR MOUNT ANY SIGN IN THE MEDIAN OF A PUBLIC RIGHT-OF-WAY. Signs authorized by this Section may not be installed or removed in a manner that will cause damage to the right of way. Authorized signs may not block or obstruct any permanent signage, [~~nor may they obstruct~~] OR pedestrian or vehicular traffic or sightlines.

(d) Any otherwise lawful sign required by law or regulation, and signs used by a government agency or utility company erected by, or on the order of, a public officer or utility official in the performance of official duties, such as controlling traffic, identifying streets, warning of danger, or providing information, is exempt from this section.

(e) All signs posted in violation of this section shall be considered a nuisance and are removable without notice by a public or governmental official at any time thereafter, unless said signs have been authorized to remain by the town government.

Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the Town of Kensington that, Chapter 6, “Signs and Commercial Regulations” Article 1 “Signs and Solicitors”, Section 6-104 “Signs on Private Property” of the Code of the Town of Kensington be, and is hereby, repealed and re-enacted with amendments to read as follows:

Section 6-104. Signs on Private Property – CRT, CRN and Industrial Zones

(a) Comprehensive Signage Plan Required – Before a permit may be issued under this Article for properties within the CRT, CRN and Industrial Zones, for properties occupied by more than one (1) business/tenant, a signage plan must be filed demonstrating that each sign for which a permit is requested is consistent and harmonious in terms of location, design, color, shape, size, style, material, and mounting with all other such signs on the property. Signs for individual businesses/tenants in a multi-tenanted building shall be placed only on the BUILDING LEVELS ACCESSIBLE ON THE EXTERIOR BY pedestrianS [~~levels of the building~~]. A signage plan for the entire property shall be submitted by the owner prior to the issuance of the first sign permit for the property and shall be updated to include all existing and proposed signs when any sign is installed, altered or replaced.

(b) Prohibited Signs - The following sign types are prohibited:

(1) Internally illuminated box signs with flat graphics and/or translucent face material are prohibited.

(2) Pole (freestanding) signs, except when [~~a and grocery stores~~] with greater than one hundred (100) parking places. Retail shopping centers and grocery stores will be allowed only one pole sign each, FOR A PERIOD OF TWENTY (20) YEARS FROM JULY 1, 2019;; or

~~{(b)}~~ located in the Kensington Historic District, when the Historic Preservation Commission has made a determination that the sign is an integral part of the environmental setting or is important to the historic character of the neighborhood. ONE POLE SIGN LOCATED AT A GROCERY STORE THAT WAS LAWFULLY EXISTING IMMEDIATELY PRIOR TO FEBRUARY 1, 2020, BUT WHICH DOES NOT CONFORM TO THE REQUIREMENTS AS NOW CONSTITUTED OR AS THEY MAY HEREAFTER BE AMENDED FROM TIME TO TIME, MAY REMAIN BUT SHALL BE REMOVED OR MODIFIED TO COME INTO COMPLIANCE WITH THIS ARTICLE WITHIN FIVE (5) YEARS FROM FEBRUARY 1, 2020. ONE POLE SIGN LOCATED AT A SHOPPING CENTER WITH GREATER THAN ONE HUNDRED (100) PARKING PLACES THAT WAS LAWFULLY EXISTING IMMEDIATELY PRIOR TO FEBRUARY 1, 2020, BUT WHICH DOES NOT CONFORM TO THE REQUIREMENTS AS NOW CONSTITUTED OR AS THEY MAY HEREAFTER BE AMENDED FROM TIME TO TIME, MAY REMAIN SHALL BE REMOVED OR MODIFIED TO COME INTO COMPLIANCE WITH THIS ARTICLE WITHIN TWENTY (20) YEARS FROM FEBRUARY 1, 2020.

(3) Internally illuminated signs (except as provided herein);

(4) Portable signs or flashing or scrolling signs.

(5) Illuminated signs in the R-60 Zone.

(6) ~~[A-frame type signs or sandwich signs unless they meet the following conditions:~~

~~(a) Can only be utilized during the hours of operation, on the site where the business is located, and must be removed at the close of business each day;~~

~~(b) Cannot exceed six (6) square feet per side, regardless of how connected or viewed;~~

~~(c) Cannot be placed in the public right of way and must provide a clear unobstructed path for use by pedestrians to and from the establishment and must meet the Americans with Disabilities Act Requirements; and~~

~~(d) Must be constructed and anchored in a manner to achieve wind grade certification. Examples of acceptable A-frame signs are attached as Figure 1.~~

~~(e) Must be permitted by the Town as a limited duration sign.]~~

VEHICLES THAT ARE PRIMARILY USED AS AN APPARATUS OR SUPPORT FOR ADVERTISING, THAT ARE PARKED OR LOCATED ON PRIVATE PROPERTY IN SUCH A WAY AS TO BE VISIBLE FROM BEYOND THE PROPERTY LIMITS AND SERVE AS AN ADVERTISEMENT OF A BUSINESS LOCATED AT THE PROPERTY.

(c) Ground freestanding signs – Ground freestanding signs measuring less than six

(6) feet in height and fifty (50) square feet in area, and including a landscaped area at the base of the sign measuring a minimum of one square foot for each square foot of sign area, are permitted. Only one ground freestanding sign shall be permitted per recorded lot. Once

installed, landscaping must be properly maintained IN ACCORDANCE WITH APPROVED PLANS.

(d) Illumination (External) - Exterior sign illumination shall be discrete, uniform, and compatible with the architecture of the structure. The light source shall only illuminate the sign and shall not glare, reflect, or shine onto public ways, streets, park areas, or residential properties. Sign illumination must use an enclosed lamp design or indirect lighting from a shielded source in a manner that prevents glare from beyond the property line. The light source shall be shielded or controlled in a manner so that it does not generally shine above or beyond the sign. EXCEPT IN THE CRT AND CRN ZONE, On properties abutting, contiguous or confronting, or within 150 feet of, a residential property or use, all signage illumination light sources (including neon) must be turned off when the business is not open for public access or before 10:00 p.m. daily, whichever occurs first.

(e) Illumination (Internal) – Only internal, HALO, or backlit illumination signs composed of individually mounted channel letters, or in box signs with opaque face panels that utilize routed push-through or LED text or overlay translucent text material ARE PERMITTED. Individual letters shall be mounted directly to the building or on raceways or tracks attached to the building are permitted. INTERNAL SIGN ILLUMINATION SHALL BE DISCRETE, UNIFORM, AND COMPATIBLE WITH THE ARCHITECTURE OF THE STRUCTURE. THE LIGHT SOURCE SHALL ONLY ILLUMINATE THE SIGN AND SHALL NOT GLARE, REFLECT, OR SHINE ONTO PUBLIC WAYS, STREETS, PARK AREAS, OR RESIDENTIAL PROPERTIES. SIGN ILLUMINATION MUST USE AN ENCLOSED LAMP DESIGN OR INDIRECT LIGHTING FROM A SHIELDED SOURCE IN A MANNER THAT PREVENTS GLARE FROM BEYOND THE PROPERTY LINE. THE LIGHT SOURCE SHALL BE SHIELDED OR CONTROLLED IN A MANNER SO THAT IT DOES NOT GENERALLY SHINE ABOVE OR BEYOND THE SIGN. EXCEPT IN THE CRT AND CRN ZONE, FOR PROPERTIES ABUTTING, CONTIGUOUS OR CONFRONTING, OR WITHIN 150 FEET OF, A RESIDENTIAL PROPERTY OR USE, ALL SIGNAGE ILLUMINATION LIGHT SOURCES (INCLUDING NEON) MUST BE TURNED OFF WHEN THE BUSINESS IS NOT OPEN FOR PUBLIC ACCESS OR BEFORE 10:00 P.M. DAILY, WHICHEVER OCCURS FIRST.

(F) A LIMITED DURATION SIGN OR SIGNS THAT MEASURE OR EXCEED A TOTAL OF TEN (10) SQUARE FEET IN SIZE, OR ARE PLACED MORE THAN FIVE (5) FEET FROM THE FACE OF THE MAIN BUILDING, MAY BE PLACED ON PRIVATE PROPERTY FOR NOT MORE THAN SIXTY (60) DAYS IN ANY CALENDAR YEAR. NO TIME LIMIT APPLIES TO LIMITED DURATION SIGNS THAT MEASURE LESS THAN A TOTAL OF TEN (10) SQUARE FEET AND ARE LESS THAN FIVE (5) FEET FROM THE FACE OF THE MAIN BUILDING. ONE SIGN IS ALLOWED PER PERMIT, WITH A MAXIMUM OF FOUR PERMITS AT ANY ONE TIME. MULTIPLE LIMITED DURATION SIGNS THAT ARE SIMILAR MAY NOT BE USED TO ENLARGE THIS TIME LIMITATION. MULTIPLE SIGNS THAT ARE SIMILAR MAY NOT RECEIVE A PERMIT FOR THE SAME LOCATION. THE MAXIMUM SIGN AREA OF EACH SIGN IS FIFTY (50) SQUARE FEET WITH A MAXIMUM TOTAL SIGN AREA OF ONE HUNDRED (100) SQUARE FEET.

~~(f)~~ (G) Allowable Signage Calculations – Signage calculations shall include exterior signage of all types including permitted neon signs. Symbols, letters and logos count towards total signage. Properties abutting or confronting residential property shall be limited to one (1) square foot of signage for each lineal foot of building frontage.

~~(g)~~ (H) Applicability – This section applies only to signs in the CRT, CRN and Industrial zones, except where specifically noted. All new commercial signage, repairs to existing signage, changes to sign text, tenancy changes, property ownership changes, business name changes, or use changes must comply with this Article. Whenever an existing sign is altered, it shall be modified to bring it into conformance with this chapter. Whenever any existing business/tenant/owner erects a new or additional sign, all signs on the premises pertaining to that business/tenant/owner shall be modified to bring them into conformance with this chapter. Any pole sign lawfully existing immediately prior to September 1, 2009 that did not conform to the requirements of this section on that date shall be removed or modified to come into compliance with this article. Signs installed by the Town of Kensington or signs at fire stations and public libraries and schools, any sign required by law or regulation by a governmental agency or utility company erected by, or on the order of, a public officer or utility official in the performance of official duties, such as signs controlling traffic, identifying streets, warning of danger, or providing information, are exempt from This section, but not from the application of Chapter 59, Article 59-6, Division 6.7 of the Montgomery County Code.

~~(h)~~ (I) Additional Restrictions for Signs within the Historic Commercial District (Howard Avenue, Armory Avenue, Fawcett Street, St. Paul Street, and Montgomery Avenue) - The following types of signs are not permitted in the historic commercial district unless a variance is granted by the Council:

(1) Internally illuminated signs.

(2) Neon signs or neon decorations.

~~(i)~~ (J) Interior Window Coverage - The maximum total area of interior window signs shall not exceed twenty percent (20%) of the glass area for each side of the building.

~~(j)~~ (K) Permitted pole signs – Permitted pole signs shall include a landscaped area at the base of the sign measuring a minimum of one square foot for each square foot of sign area. Once installed, landscaping must be properly maintained.

~~(k)~~ (L) Variance Procedure - If a signage permit application is denied by the Town, an applicant may seek a Variance from this section within 15 days of the date of denial. A variance may not be granted for the erection, installation or maintenance of a sign prohibited by Section 6-104(b) OR MONTGOMERY COUNTY CHAPTER 59- 6, DIVISION 6.7. THE TOWN MAY ESTABLISH A DETAILED VARIANCE APPLICATION, CHECKLIST AND CHARGE FEES FOR THE CONSIDERATION OF VARIANCES REQUESTS. A variance may be granted when the Council finds that:

(1) strict application of the Town regulations would result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property or owner of such sign;

(2) the variance is the minimum reasonably necessary to overcome any exceptional conditions; and

(3) the variance can be granted without substantial impairment of the intent, purpose, and integrity of this Article. A variance decision must be based on consideration of:

(a) one or more of the following elements: size, shape, color, design elements, location or cost of the sign;

(b) the compatibility of the proposed sign with the surrounding property, the proximity of other signs, and the characteristics of the area; ~~and~~

(c) confirmation that the property and all other signs on the property are in conformance with the Article.

(d) recommendation of the HPC if located in the Historic District and if requested by the Council or offered by the HPC.

(4) Contiguous, confronting and abutting owners must receive notice of the variance application prior to consideration by the Council.

~~(4)~~ (M) Conditions and Revocation - The Council may impose conditions and terms on a sign variance, and may revoke any previously granted sign variance when it determines:

(1) the applicant supplied inaccurate information to the Council, or

(2) the terms of the variance set by the Council have not been met or have been violated. ~~[The Council may establish a detailed variance application, checklist and charge fees for the consideration of variances requests. This provision shall not permit the Council to grant a variance allowing any sign prohibited under Montgomery County Chapter 59-6, Division 6.7.]~~

Section 5. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the Town of Kensington that, Chapter 6, “Signs and Commercial Regulations” Article 1 “Signs and Solicitors”, Section 6-106 “Enforcement and penalties” of the Code of the Town of Kensington be, and is hereby, repealed and re-enacted with amendments to read as follows:

Section 6-106. Enforcement and Penalties.

- (a) A violation of Section 6-103 shall be a Class F municipal infraction punishable pursuant to Section 10-303 of this Code. Written notice of violation shall be mailed by certified mail to the property owner and tenant occupant (if applicable). Any costs incurred in the removal of prohibited signs by the Town or its designee shall be assessed to the owner of the sign and may be collected as an ordinary debt or in the manner of taxes and shall be a lien on any property belonging to the owner within the Town. For violation assessment and cost reimbursement purposes, the owner shall be considered the individual(s) benefiting from the sign to be determined by phone number, name or address indicated on the sign. In the event the tenant occupant has vacated, the property owner shall be the responsible party.
- (b) A violation of Section 6-102 and 6-104 shall be a Class E municipal infraction punishable pursuant to Section 10-303 of this Code.

Section 6. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the Town of Kensington that upon formal introduction of this proposed Ordinance, the Town Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the Town Clerk. The proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council, shall be:

- a. Posted at the town hall by the next business day;
- b. Posted on the official town website;
- 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.

The public hearing shall be held at least fifteen (15) days after introduction and may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. This Ordinance shall become effective on _____ provided that the ordinance or a fair summary thereof is:

- a. Posted at the town hall by the next business day for at least two (2) weeks;

b. Posted on the official town website;

c. Sent to those persons listed on the official town email list /mail subscription service; and

d. Published once in the town newsletter.

INTRODUCED by the Mayor and Council of the Town of Kensington, Maryland at a public meeting assembled on the ____ day of _____ 2019.

ADOPTED by the Mayor and Council of the Town of Kensington, Maryland at a public meeting assembled on the ____ day of _____ 2019.

EFFECTIVE the ____ day of _____, 2019.

ATTEST:

TOWN OF KENSINGTON

By: _____

Susan Engels, Clerk-Treasurer

By: _____

Tracey Furman, Mayor

APPROVED AS TO FORM:

Suellen M. Ferguson, Town Attorney

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:

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

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

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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, IHIBITING 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.

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(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.

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 EXERVISE AREA IN THE TOWN. THE FOLLOWING REQUIREMENTS APPLY TO ANY DOG EXERCISE AREA SO ESTABLISHED.

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(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.

(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.

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(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.

(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

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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 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:

(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

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(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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