

RESOLUTION No. R-19-2019

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL TO ALLOW THE ESTABLISHMENT OF A DOG EXERCISE AREA AND PROVIDE REGULATIONS FOR ITS USE.

WHEREAS, Article VI, "Powers of the Council", Section 601, "General Powers" of the Town Charter authorizes the Mayor and Council to take actions as they 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, Article VI, "Powers of the Council", Section 602, "Specific Powers", Subsection 34, "Parks and Recreation", authorizes the Mayor and Council to establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the Town; and

WHEREAS, the Mayor and Town Council have negotiated an easement agreement, Resolution No. R-16-2019, with Konterra Limited Partnership for the use of the property at 10450 Metropolitan Avenue for a Dog Exercise Area; and

WHEREAS, the Mayor and Town Council have determined that the following requirements shall apply to any Dog Exercise Areas 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) Please observe the Dog Exercise Area hours of operation, which are dawn to dusk daily. No person shall use the facility other than during the Town's 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.
- (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 behavior and wellbeing of the child. Children should be discouraged from approaching or playing with unfamiliar dogs.

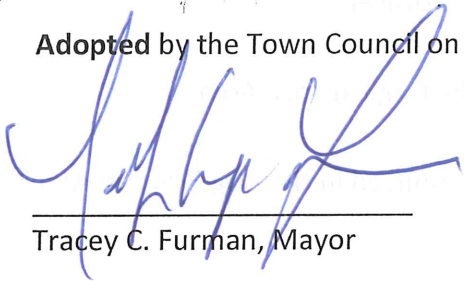
(21) Owners/handlers are not permitted to groom or bathe their dogs inside the Dog Exercise Area.

(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.

Now, Therefore, Be It Resolved that the Town has established a Dog Exercise Area for the property located at 10450 Metropolitan Avenue and the aforementioned regulations shall apply to promote the health, welfare, and enjoyment of the inhabitants of the Town.

Adopted by the Town Council on the 7th day of **October, 2019**.



Tracey C. Furman, Mayor

This is to Certify that the foregoing Resolution was adopted by the Town Council in public meeting assembled on 7th day of October, **2019**.


Susan C. Engels, Clerk-Treasurer