

Resolution No.: 04-01-18

Introduced: 04-09-18

Adopted: 04-09-18

Effective: 04-23-18

BOARD OF MANAGERS
FOR
CHEVY CHASE VILLAGE, MD

SUBJECT: AN ORDINANCE TO AMEND CHAPTER 18, “ANIMAL CONTROL” BY REPEALING AND REENACTING SEC. 18-1, “ADOPTION OF COUNTY LAW”, SEC. 18-2, “SECTIONS ADDED”, SEC. 18-3, “SECTIONS AMENDED”, AND SEC. 18-4, “REGULATIONS”, AND ADDING SEC. 18-7, “DOG EXERCISE AREA”, AND TO AMEND CHAPTER 6, “PENALTIES, FEES AND FINES”, SEC. 6-3, “MUNICIPAL INFRACTION FINES” TO UPDATE THE CODE, ALLOW THE ESTABLISHMENT OF A DOG EXERCISE AREA AND PROVIDE REGULATIONS FOR ITS USE AND A FINE FOR VIOLATIONS, INCREASE FINES FOR VIOLATIONS OF CHAPTER 18 AND OTHERWISE MAKE CONFORMING CHANGES.

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

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

WHEREAS, Section 206 of the Chevy Chase Village Charter authorizes the Board of Managers to adopt such ordinances as it deems necessary for the safety and welfare of Chevy Chase Village; for the protection and preservation of Chevy Chase Village property, rights and privileges; for the preservation of peace and good order and for securing persons and property from violence, danger or destruction; and for the suppression and abatement of all nuisances; and

WHEREAS, the Board of Managers has adopted Chapter 18, “Animal Control”, to govern the care and maintenance of animals in the Village; and

WHEREAS, the Board of Managers has determined that it is in the public interest to repeal and re-enact various provisions in Chapter 18, “Animal Control”, to update the code, allow the establishment of a dog exercise area and provide regulations for its use, and otherwise make conforming changes; and

WHEREAS, after proper notice to the public, the Board of Managers conducted a public hearing at which it considered the following ordinance in public session assembled on the 9th day of April, 2018.

NOW THEREFORE, the Board of Managers of Chevy Chase Village does hereby adopt the following ordinance:

AN ORDINANCE TO AMEND CHAPTER 18, “ANIMAL CONTROL” BY REPEALING AND REENACTING SEC. 18-1, “ADOPTION OF COUNTY LAW”, SEC. 18-2, “SECTIONS ADDED”, SEC. 18-3, “SECTIONS AMENDED”, AND SEC. 18-4, “REGULATIONS”, AND ADDING SEC. 18-7, “DOG EXERCISE AREA”, AND TO AMEND CHAPTER 6, “PENALTIES, FEES AND FINES”, SEC. 6-3, “MUNICIPAL INFRACTION FINES” TO UPDATE THE CODE, ALLOW THE ESTABLISHMENT OF A DOG EXERCISE AREA AND PROVIDE REGULATIONS FOR ITS USE, AND OTHERWISE MAKE CONFORMING CHANGES.

SECTION 1.

BE IT ORDAINED AND ORDERED this 9th day of April, 2018, by the Board of Managers of Chevy Chase Village, 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 Section 206 of the Village Charter that that Chapter 8, “Animal Control”, Article I, Sec. 18-1, “Scope”, be repealed, reenacted and amended to read as follows.

Sec. 18-1. Adoption of County law.

Chapter 5 of the Montgomery County Code ~~[(1972)]~~, as amended, entitled "Animal Control" is hereby incorporated by reference and enacted as the Animal Control Code of the Village with the additions and amendments as set forth in this Chapter.

SECTION 2

AND BE IT FURTHER ORDAINED AND ORDERED this 9th day of April, 2018, by the Board of Managers of Chevy Chase Village, 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 Section 206 of the Village Charter that Chapter 18, “Animal Control”, Sec. 18-2, “Sections added” be and is hereby repealed, reenacted and amended to read as follows:

Sec. 18-2. ~~[Sections added]~~ ENFORCEMENT.

~~[The provisions of Chapter 5 of the Montgomery County Code [(1972)], as amended, for the purposes of and as incorporated in this chapter shall include the following additional sections:~~

~~(a) Section 5-408(A). It shall be unlawful for any person or persons to keep or harbor swine, cows, cattle, goats, rabbits, chickens, ducks or other fowl, or cause the same to be kept or harbored in Chevy Chase Village.~~

~~(b) Section 5-41] 308.] Any person who [is charged by a Village animal control officer or fails to comply with] VIOLATES any of the provisions of THIS CHAPTER, AND sections [5-26, 5-27, 5-28, 5-29, 5-30, or 5-39(e)] 5-201, 5-202 and 5-203 OF CHAPTER 5 OF THE MONTGOMERY COUNTY CODE, AS AMENDED, as adopted hereby, shall be guilty of a municipal infraction and shall be subject to such prosecution and penalties as are provided in Chapters 5 and 6 of the Chevy Chase Village Code.~~

SECTION 3

AND BE IT FURTHER ORDAINED AND ORDERED this 9th day of April, 2018, by the Board of Managers of Chevy Chase Village, 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 Section 206 of the Village Charter that Chapter 18, “Animal Control”, Sec. 18-3, “Sections amended” be and is hereby repealed, reenacted and amended to read as follows:

Sec. 18-3. Sections amended.

The provisions of Chapter 5 of the Montgomery County Code [(1972)]- as amended, for the purposes of and as incorporated in this Chapter, are hereby amended as follows:

Section 5-101. Definitions.

* * * *

Animal control officer: [~~The Director of the County Department of Environmental Protection or his designee~~] THE DIRECTOR OF THE ANIMAL SERVICES DIVISION IN THE DEPARTMENT OF POLICE, OR THE DIVISION DIRECTOR'S DESIGNEE or the Village Manager, or [his] THE VILLAGE MANAGER’S designee.

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SECTION 4

AND BE IT FURTHER ORDAINED AND ORDERED this 9th day of April, 2018, by the Board of Managers of Chevy Chase Village, 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 Section 206 of the Village Charter that Chapter 18, “Animal Control”, Sec. 18-4, “Regulations” be and is hereby repealed, re-enacted and amended to read as follows:

Sec. 18-4. Regulations.

(a) All regulations now adopted by the County Council and/or by the County Executive for Montgomery County pursuant to the authority contained in Chapter 5 of the Montgomery County Code [(1972)] as amended, are hereby incorporated by reference and shall be deemed to be in effect within the incorporated limits of the Village.

(b) All regulations or amendments to regulations hereafter adopted by the County Council and/or by the County Executive for Montgomery County pursuant to the authority contained in Chapter 5 of the Montgomery County Code [(1972)] as amended, as adopted by this ordinance shall become effective within the Village upon the effective date thereof unless an ordinance shall be adopted by the Board of Managers of the Village disapproving such amendments.

SECTION 5

AND BE IT FURTHER ORDAINED AND ORDERED this 9th day of April, 2018, by the Board of Managers of Chevy Chase Village, 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 Section 206

of the Village Charter that Chapter 18, “Animal Control”, Sec. 18-7, “Dog Exercise Area” be and is hereby enacted to read as follows:

SEC. 18-7 DOG EXERCISE AREA

THE BOARD MAY ESTABLISH A DOG EXERCISE AREA IN THE VILLAGE. THE FOLLOWING REQUIREMENTS APPLY TO ANY DOG EXERCISE AREA SO ESTABLISHED:

- (A) ALL DOG OWNERS/HANDLERS MUST COMPLY WITH THESE RULES AND REGULATIONS AT ALL TIMES WHEN ACCESSING THE DOG EXERCISE AREA.
- (B) 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.
- (C) 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.
- (D) THE DOG EXERCISE AREA HOURS OF OPERATION, SHALL BE 7:00 A.M. UNTIL SUNSET DAILY. NO PERSON SHALL USE THE FACILITY OTHER THAN DURING THE VILLAGE’S DESIGNATED HOURS OF USAGE.
- (E) INDIVIDUAL OWNERS/HANDLERS MAY BRING NO MORE THAN TWO (2) DOGS INTO THE DOG EXERCISE AREA AT ANY ONE TIME.
- (F) 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 MUNICIPALITY ARE PROHIBITED AND ARE NOT PERMITTED TO ENTER THE DOG EXERCISE AREA.
- (G) ANY DOG BARKING CONTINUOUSLY OR UNCONTROLLABLY MUST BE REMOVED FROM THE DOG EXERCISE AREA.
- (H) NO FEMALE DOGS IN ESTRUS (IN HEAT) ARE PERMITTED IN THE DOG EXERCISE AREA AT ANY TIME.
- (I) ANY DOG WITH A TRANSMISSIBLE, COMMUNICABLE DISEASE MAY NOT ENTER THE DOG EXERCISE AREA.
- (J) 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.
- (K) DOGS MUST BE FOUR (4) MONTHS OF AGE OR OLDER TO ENTER THE DOG EXERCISE AREA.
- (L) DOGS MUST BE IMMEDIATELY LEASHED AND RESTRAINED WHEN ADVISED TO DO SO BY A POLICE OFFICER, THE VILLAGE MANAGER OR THE VILLAGE MANAGER’S DESIGNEE, AND ANY PERSON AND THEIR DOG MUST LEAVE THE DOG EXERCISE AREA WHEN ORDERED TO DO SO BY A

POLICE OFFICER, THE VILLAGE MANAGER OR THE VILLAGE MANAGER'S DESIGNEE .

- (M) EATING AND SMOKING ARE NOT PERMITTED INSIDE THE DOG EXERCISE AREA.
- (N) NO DOG FOOD TREATS OR TOYS, EXCEPT TENNIS BALLS, ARE PERMITTED IN THE DOG EXERCISE AREA.
- (O) NO BARE FEET ARE PERMITTED IN THE DOG EXERCISE AREA.
- (P) 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.
- (Q) OWNERS/HANDLERS ARE LEGALLY RESPONSIBLE FOR THE BEHAVIOR OF THEIR DOGS AND REMAIN LEGALLY RESPONSIBLE FOR ANY INJURIES OR DAMAGE CAUSED BY THEIR DOGS.
- (R) OWNERS/HANDLERS ARE RESPONSIBLE FOR SECURELY CLOSING AND LATCHING ALL GATES AS THEY ENTER OR EXIT THE DOG EXERCISE AREA.
- (S) OWNERS/HANDLERS MUST PICK UP AND PROPERLY DISPOSE OF THEIR DOG'S FECES.
- (T) 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.
- (U) 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.
- (V) OWNERS/HANDLERS ARE NOT PERMITTED TO GROOM OR BATHE THEIR DOGS INSIDE THE DOG EXERCISE AREA.
- (W) PROFESSIONAL DOG SERVICES SUCH AS, BUT NOT LIMITED TO, TRAINING, BEHAVIOR MODIFICATION AND GROOMING ARE PROHIBITED INSIDE THE DOG EXERCISE AREA.
- (X) 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 VILLAGE CHIEF OF POLICE MAY BAN THE DOG FROM ACCESSING THE DOG EXERCISE AREA. APPEALS FROM THAT FINDING WILL BE MADE TO THE VILLAGE MANAGER.

SECTION 6

AND BE IT FURTHER ORDAINED AND ORDERED this 9th day of April, 2018, by the Board of Managers of Chevy Chase Village, 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 Section 206 of the Village Charter that Chapter 6, "Penalties, Fees and Fines", Sec. 6-3, "Municipal Infraction Fines" be and is hereby repealed, reenacted, and amended to read as follows:

Sec. 6-3, Municipal Infraction Fines

* * * *

(c) Animal control (Chapter 18). [Sec. 18-2(b) regarding:

(1) Dogs running at large (County Code Section 5-26)	25.00
(2) Dogs on school grounds and public recreation areas (County Code Section 5-27)	15.00
(3) Creating a public nuisance, generally (County Code Section 5-28)	15.00
(4) Deposit and removal of dog feces (County Code Section 5-29)	15.00
(5) Female dogs in heat (County Code Section 5-30)	15.00
(6) Keeping or maintaining animals or fowl, prohibited (County Code Section 5-40(A)	50.00]
VIOLATION OF CHAPTER, PER OCCURRENCE	\$100.00

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SECTION 7

AND BE IT FURTHER ORDAINED AND ORDERED, this 9th day of April, 2018, by the Board of Managers of Chevy Chase Village, 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 Section 206 of the Village 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 23rd day of April, provided the same is posted at the Village Office for fourteen (14) days prior thereto.

CHEVY CHASE VILLAGE

Michael L. Denger, Chair
Board of Managers
Chevy Chase Village

ATTEST:

Shana R. Davis-Cook, Village Manager