

ORDINANCE NO. O-1-16

AN ORDINANCE TO AMEND CHAPTER 15A OF THE CITY CODE, ENTITLED "PARKS AND OTHER PROPERTIES," SO AS TO AMEND SECTION 15A-18 TO ALLOW NONRESIDENTS OF THE CITY TO USE THE DOG EXERCISE AREA, ADD A NEW SUBSECTION 15A-18(A)(8) TO SPECIFY THAT ALL DOGS USING DOG EXERCISE AREA MUST BE LICENSED, AMEND SUBSECTION 15A-18(A)(14), 15A-18(B) AND 15A-18(C) TO PERMIT AND SPECIFY CONDITIONS UNDER WHICH NONRESIDENTS OF THE CITY MAY ACQUIRE MEMBERSHIP AND UTILIZE THE DOG EXERCISE AREA, AND ADD A NEW SUBSECTION (D) TO SPECIFY CONDITIONS UNDER WHICH GUESTS OF RESIDENTS OR NONRESIDENTS WITH MEMBERSHIP MAY UTILIZE THE DOG EXERCISE AREA

BE IT ORDAINED, by the Mayor and Council of the City of Gaithersburg, in public meeting assembled, that Chapter 15A-18 of the City Code, entitled, "Dog Exercise Areas," is hereby amended to read as follows:

Chapter 15A

PARKS AND OTHER PROPERITES

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Sec. 15A-18. – Dog exercise areas.

Dog exercise areas are city designated fence enclosed facilities owned, operated or approved by the city ~~for city residents~~ to have owner/custodian supervised "off leash" exercise for their dog(s).

(a) In the dog exercise areas ~~it~~ shall be unlawful to:

- (1) Enter or remain on the facility at hours other than the city designated hours of usage.
- (2) Enter or remain on the facility with more than two (2) dogs per individual.

Boldface	Heading or defined term.
<u>Underlining</u>	Added to existing law by original bill.
Single strikethrough	Deleted from existing law by original bill.
<u>Double underlining</u>	Added by Amendment.
Double strikethrough	Deleted from existing law or the bill by amendment.
***	Existing law unaffected by bill.

- (3) Fail to immediately remove from the facility any dog showing aggression towards people or other dogs in the facility.
- (4) Fail to immediately remove from the facility any dog that barks continuously or uncontrollably.
- (5) Enter or remain on the facility with a female dog "in estrus."
- (6) Enter or remain on the facility with a dog that has a transmissible communicable disease.
- (7) Enter or remain on the facility with a dog not currently vaccinated against rabies.
- (8) Enter or remain on the facility with a dog not currently licensed.
- ~~(8)~~ (9) Enter or remain on the facility with a dog younger than four (4) months of age.
- ~~(9)~~ (10) Fail to immediately leash and restrain a dog in the facility when advised to do so by a city official.
- ~~(10)~~ (11) Fail to abide by the rules and regulations posted at the entrance of the facility.
- ~~(11)~~ (12) Fail to immediately depart the facility when ordered to do so by a city official.
- ~~(12)~~ (13) Falsely obtain a city pet license for another individual's dog to use the facility.
- ~~(13)~~ (14) Commit any act that grants access to the facility for a dog that ~~does not belong to a city resident or a city resident's guest~~ would not otherwise be permitted to enter the facility under the provisions of this Chapter.

(b) City residents must have at all times a current city pet license for each dog using the facility, and the license and vaccination tag that must be displayed on the dog while it is in a facility. Nonresidents must have a current license from the owner's home jurisdiction and current rabies vaccination for each dog using the facility. Such license and vaccination tag must be displayed on the dog while it is in the facility, except for dogs of nonresidents

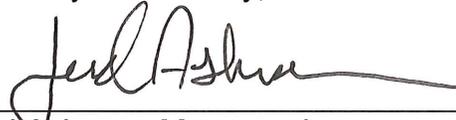
with facility membership issued under subsection (c) of this section, who must have the membership and rabies vaccination tags displayed on the dog while it is in the facility. It shall be unlawful to transfer a pet license or membership tag to another dog or to deface the tag in any manner. A pet license or membership tag shall become invalid with the transfer of the dog to a new owner.

- (c) An owner or custodian who is a non-resident of the city may use the facility if they have a current annual dog exercise area membership for each dog that wishes to enter onto and remain on the facility.
- (1) Such memberships may be obtained only with evidence that the dog is currently licensed in the owner's home jurisdiction and is currently vaccinated against rabies.
 - (2) Such memberships shall be obtained from a person designated by the city manager to issue such memberships. Applications for membership shall include photo identification for each dog using the facility.
 - (3) Membership fees shall be established by resolution by the Mayor and City Council.
 - (4) A membership tag must be properly displayed on each dog while it is inside a facility.
 - (5) It shall be unlawful to transfer a membership tag or to deface the tag in any manner. A membership tag shall become invalid with the transfer of the dog to a new owner.
 - (6) The city manager or his designee may revoke a membership at any time if the owner fails to abide by the rules and regulations of the facility or is in violation of any other provision of this Chapter.
 - (7) The city manager or his designee may decline to issue license tags to non-residents, if he or his designee determines that the dog park area is routinely over-capacity. In such circumstances, licenses already issued by the city to non-residents shall remain in effect for the remainder of the membership term.

(d) A guest of a City resident, or guest of a nonresident with current dog park membership, may have access to the dog park area for one (1) dog when (i) the City resident or nonresident member is present, (ii) the guest dog is currently licensed and vaccinated against rabies in the owner's home jurisdiction, and (iii) such license and vaccination tag is displayed on the dog while it is in the facility.

~~(e)~~ (e) The city manager or designee may order the temporary or permanent banning of an individual and/or dog from the facility if the ~~owner~~ individual fails to abide by the rules and regulations of the facility or is in violation of any other law, regulation or ordinance.

ADOPTED by the City Council this 1st day of February, 2016.



Jud Ashman, Mayor and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg this 1st day of February, 2016. APPROVED by the Mayor of the City of Gaithersburg this 1st day of February, 2016.



Jud Ashman, Mayor

THIS IS TO CERTIFY, that the foregoing Ordinance was adopted by the City Council of the City of Gaithersburg, in public meeting assembled on the 1st day of February, 2016; and that the same was APPROVED by the Mayor of the City of Gaithersburg on the 1st day of February, 2016. This Ordinance will become effective on the 21st day of February, 2016.



Tony Tomasello, City Manager