

CODE OF
ORDINANCES

FOR
SECTION 3
OF THE
VILLAGE OF
CHEVY CHASE

MONTGOMERY COUNTY
MARYLAND

MARCH 2017

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CHAPTER 1 GENERAL PROVISIONS

ARTICLE 1. CODIFICATION

- 1-101 Designation and Citation
- 1-102 Titles of Sections
- 1-103 Amendments
- 1-104 Effect of Repeals

Section 1-101. Designation of Citation

The ordinances embraced in the following chapters and sections shall constitute and be designated as "The Code of Ordinances of Section 3 of the Village of Chevy Chase, Maryland," and may be so cited. The code may also be cited as "The Section 3 Code."

Section 1-102. Titles of Sections

The titles of the several sections of this Code are intended as mere catchwords to indicate the contents of the sections and shall not be taken to be a part of such sections.

Section 1-103. Amendments

All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code of Ordinances, shall be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, such repealed portions shall be excluded from said Code by omission from reprinted pages.

All sections, articles, chapters or provisions of this Code desired to be repealed should be specifically repealed by section or chapter number, as the case may be.

Section 1-104. Effect of Repeals

The repeal of an ordinance or code section shall not revive any ordinance or code section in force before, or at the time the ordinance's repeal took effect. The repeal of an ordinance or code section shall not affect any punishment or penalty provided before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal.

ARTICLE 2. LEGAL CONSTRUCTION

1-201	Continuous Provisions
1-202	Severability
1-203	General Rules of Construction
1-204	Definitions
1-205	Computation of Time

Section 1-201. Continuous Provisions

Those provisions appearing in this code, so far as they may be the same in substance as ordinances which existed at the effective date of this code, shall be considered as continuations thereof and not as new enactments.

Section 1-202. Severability

It is hereby declared to be the intention of the Village Council that the sections, paragraphs, sentences, clauses, and words of this code are severable: and if any word, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or otherwise invalid by judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs, and sections of this Code, since the same would have been enacted by the Village Council without the incorporation into this code of any such unconstitutional or invalid word, clause, sentence, paragraph or section. If any controlling or preemptive State or County law or regulation is in conflict with the operation of this Code, such law or regulation shall prevail.

Section 1-203. General Rules of Construction

In the construction of this Code, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of this Code:

(a) All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(b) The singular always includes the plural, and vice versa, except where such construction would be unreasonable.

(c) Unless otherwise provided in a particular section, all words in this Code importing one gender include and apply to other gender as well.

(d) Whenever a provision of this Code refers to any portion of a State or County law, the reference applies to any subsequent amendment to that law, unless the referring provision expressly provides otherwise.

(e) Unless otherwise provided, the term "shall" is mandatory and not optional or permissive. In interpreting and applying this Code, the requirements contained herein are declared to be the minimum requirements for the protection of the health, safety and general welfare of the public.

Section 1-204. Definitions

(a) "Council" means the Village Council of Section 3 of the Village of Chevy Chase.

(b) "Village" means the municipal corporation known as Section 3 of the Village of Chevy Chase.

Section 1-205. Computation of Time

In computing any period of time prescribed or allowed by any applicable provision of this Code, the day of the act, event, or default, after which the designated period of time begins to run, is not to be included. The last day of the period so computed is to be included unless:

(a) It is a Saturday, a Sunday or a legal holiday in which event the period runs until the end of the next day, which is neither a Saturday, a Sunday nor a legal holiday.

(b) When the period of time allowed is more than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be considered as other days; but if the period of time allowed is seven (7) days or less, intermediate Saturdays, Sundays and legal holidays shall not be counted in computing the period of time.

CHAPTER 2
GOVERNMENT ADMINISTRATION

ARTICLE 1. COMMITTEES AND COMMISSIONS

2-101 Village Ethics Commission

Section 2-101. Village Ethics Commission

There shall be a Village Ethics Commission, which shall be composed of three (3) members appointed by the Village Council. The Commission shall be advised by the Village attorney and shall have the following responsibilities:

- (a) To provide advisory opinions to persons subject to the provisions of Chapter 4 of this Code as to its applicability to them.
- (b) To make determinations as authorized by Chapter 4 of this Code.

ARTICLE 2. PERSONNEL

2-201 Rules and Regulations
2-202 Creation or Termination of Positions

Section 2-201. Rules and Regulations

The Village Council may from time to time make such rules and regulations as it deems necessary for the employment of all Village employees.

Section 2-202. Creation or Termination of Positions

The Village Council may add or abolish employee positions as may be consistent with the Village budget and as may be necessary to carry forth the intent and purpose of this Code.

ARTICLE 3. AUTHORIZED EMPLOYEES

2-301 Village Manager

Section 2-301. Village Manager

There shall be a Village Manager appointed by the Village Council.

- (a) The Village Manager shall be assigned such duties as may be defined by a job description approved by the Village Council.

(b) The Village Manager shall serve at such compensation as the Village Council may determine.

(c) The Village Manager shall serve at the discretion of the Village Council and may be removed by a majority vote of all its members, subject to the provisions of a valid employment contract, if such a contract has been approved by a majority of all of the Village Council.

CHAPTER 3
CODE VIOLATIONS

ARTICLE 1. GENERAL

3-101 Definitions
3-102 General Misdemeanor Penalties
3-103 General Municipal Infraction Penalties
3-104 Continuing Violations
3-105 Abatement of Public Nuisances
3-106 Additional Remedies

Section 3-101. Definitions

For the purposes of this Chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) Misdemeanor: The violation of any ordinance, code or state statute provision which has been deemed to be a criminal offense not amounting to a felony and which has not been specifically declared to be a municipal infraction.
- (b) Municipal infraction: Any violation of this Code which has been specifically designated as a municipal infraction. For the purposes of this Code a "municipal infraction" is a civil offense, and any finding of guilt thereof is not a criminal conviction.
- (c) Authorized code enforcement official: Village Manager, Building Inspector, any member of the Village Council or any other individual appointed by the Council to have code enforcement responsibilities under this Code.

Section 3-102. General Misdemeanor Penalties

Unless otherwise specified in this Code, any person found guilty of violating any provision of this Code for which violation is a "misdemeanor" shall be subject to a fine not to exceed one thousand dollars (\$1,000.00) and imprisonment not to exceed six (6) months, or both such fine and imprisonment for each offense.

Section 3-103. General Municipal Infraction Penalties

The penalty for commission of a municipal infraction shall be two hundred dollars (\$200.00) per infraction (or, in the case of continuing violations, two hundred dollars (\$200.00) per day) unless this Code specifies a different penalty.

Section 3-104. Continuing Violations

If someone violates this Code or any Village Ordinance, and the violation continues for more than one day, then each day shall be deemed a separate violation for which a separate penalty may be imposed.

Section 3-105. Abatement of Public Nuisances

If any person shall fail to abate any public nuisance condition, after receipt of the Village's notice to abate and within a reasonable time as may be specified in such notice, the condition may be abated by the Village at the expense of the person named in such notice. The expense of abating the nuisance shall be assessed against the real property and the owner thereof, and shall be a lien on the property to be collected in the same manner that municipal taxes are collected. Abatement by the Village shall not bar the prosecution of the person responsible for the condition abated.

Section 3-106. Additional Remedies

(a) In addition to any other remedies provided for in this Code, where there is a violation of any provision of this Code, any court of competent jurisdiction may authorize a designee of the Village to enter onto the subject property and cause the violation to be corrected in accord with the court's order and to charge the costs and expenses, including legal expenses thereof, to the property owner and/or occupant responsible for the violation. Such costs and expenses may be collected by way of any appropriate legal proceeding.

(b) In addition to any other remedies provided for in this Code, the Village may institute injunctive or other appropriate actions or proceedings to correct any violation of this Code; any court of competent jurisdiction may issue such injunctions, restraining orders or other appropriate forms of relief.

ARTICLE 2. MUNICIPAL INFRACTION PROCEDURES

- 3-201 Declaration of Municipal Infractions; Fines
- 3-202 Issuance of Citation.

Section 3-201. Declaration of Municipal Infraction; Fines

The Village Council, by ordinance, shall determine which violations of this Code constitute municipal infractions and which violations constitute misdemeanors.

Section 3-202. Issuance of Citation

(a) Authorized code enforcement officials may serve a citation to any person who has committed a municipal infraction. A copy of the citation shall be retained by the Village and bear the certification of the issuing official attesting to the truth of the matter set forth in the citation or that the citation is based on affidavit.

(b) The citation shall contain the following information:

- (i) Name and address of the person charged.
- (ii) The nature of the infraction.
- (iii) The location and time that the infraction occurred.
- (iv) The amount of the fine assessed.
- (v) The manner, location and time, in which the fine may be paid to the Village.
- (vi) The right of the recipient of the citation to elect to stand trial of the infraction.
- (vii) The effect of failing to pay the assessed fine or demanding a trial within the prescribed time.

(c) Municipal infraction citations shall be processed in accordance with state law.

ARTICLE 3. SPECIFIED PENALTIES

- 3-301 Specified Misdemeanors
- 3-302 Specified Municipal Infractions

Section 3-301. Specified Misdemeanors

Violations of the following Code provisions are punishable as misdemeanors with the listed penalty:

Section	Fine
4-201, 4-202 (conflict of interest)	\$1000
8-102 (tampering with structures or signs)	\$ 200
8-103 (disturbing meetings or gatherings)	\$ 200
8-104 (loitering on private property)	\$ 200
8-203 (emergency street restrictions)	\$ 200

Section 3-302. Specified Municipal Infractions

Violations of the following Code provisions are punishable as municipal infractions with the listed penalty:

Section	Fine
6-302 (building permits required)	\$500
6-303 (building code)	\$500
6-304 (building lines)	\$500
6-305 (a),(b),(c),(e) & (f) (fences & walls)	\$500
6-308 (completion bonds)	\$500
6-309 (enforcement of permits; stop work)	\$500
7-202 (safe and sanitary dwelling units)	\$500
7-203 (yards)	\$250
7-204 (vacant structures and land)	\$500
7-205 (overgrowth)	\$200
7-206 (junk vehicles)	\$200
7-208 (vehicle repairs)	\$200
7-209 (a)(b) and (c) (hedges & trees)	\$200
7-210 (unremoved snow and ice)	\$200
7-303 (refuse disposal site)	\$200

7-304 (refuse deposit prohibition)	\$100
7-305 (littering)	\$ 50
7-306 (advertisements and handbills)	\$ 50
7-307 (leaving garbage, vehicle unattended)	\$100
7-308 (owner and occupant responsibilities)	\$100
7-310 (hazardous wastes)	\$500
7-311 (incinerator prohibition)	\$500
7-312 (dumpsters, temporary storage units)	\$500
8-207 (vehicle violations)	\$500

CHAPTER 4 CONFLICT OF INTEREST

ARTICLE 1. GENERAL

- 4-101 Intent and Application
- 4-102 Definitions

Section 4-101. Intent and Application

(a) This Chapter is not intended to be consistent with the Maryland Public Ethics Law, Article 40A of the Annotated Code of Maryland, from which Section 3 of the Village of Chevy Chase has been exempted.

(b) This Chapter is intended to provide criteria and informal procedures for determining the presence or absence of conflicts between private interests or relationships and public interests. An affirmative duty to disclose potential conflicts with a public interest, as provided in this Chapter, is intended to extend to and include private interests or relationships having an outward appearance of conflict with a public interest. The procedures herein are intended to preserve the privacy interests of persons subject to this Chapter and are intended to encourage voluntary disqualifications in the event of conflicts of interest under the provisions of this Chapter. This Chapter is not intended to require that private interests or relationships disclosed hereunder be made a part of the public record, except in the event of the imposition of any order or penalty under the provisions of Section 4-204 herein.

(c) The provisions of this Chapter shall apply to all officers and employees of the Village, and to the Village Council (all such officers and employees being herein collectively referred to as Officials).

(d) No part of this Chapter shall be construed to prohibit an Official from appearing in the pursuit of his private interests as a citizen; or from accepting or receiving any benefit by operation of law; or from prosecuting or pursuing any claim, right, privilege or remedy which is his by operation of law.

Section 4-102. Definitions

For the purposes of this Chapter, the following words and phrases shall have the following meanings:

- (a) "Commission" means the "Village Ethics Commission" as constituted and described in Section 2-101.
- (b) "Council" means the "Village Council" as described in Section 1-204.
- (c) "Gift" means the transfer of any thing or service of value without identifiable and adequate consideration; "gift" does not mean or include any regulated campaign contribution.
- (d) "Private interest or relationship" has the meaning ascribed to it in Section 4-201(b) of this Chapter.

ARTICLE 2. PROCEDURES

4-201	Duty to Disclose; Conflicts of Interest; Ex Parte Communications
4-202	Disqualification Procedures; Complaints; Records
4-203	Failure of Quorum; Substitute Appointment
4-204	Orders

Section 4-201. Duty to Disclose; Conflicts of Interest; Ex Parte Communications

(a) Before participating, on behalf of the Village, in any debate or determination which may have a reasonable potential of thereafter affecting a public interest, any Official who is subject to this Chapter shall have an affirmative duty to disclose in writing to the Council or to the Village Ethics Commission (the 'Commission') the receipt or solicitation of any gift in excess of \$100 from anyone with a contractual relationship with the Village or any matter pending before the Council. The Official must report the existence of any private interest or relationship either having a reasonable potential of conflict with a public interest or having a reasonable potential of giving the outward appearance of conflict with a public interest.

(b) For the purposes of this Section, it shall be presumed that a "private interest or relationship" includes, without limitation, any existing or prospective interest in or relationship to a business, contract, creditor, obligee or employment nature in which an Official or an immediate family member, including spouse, father, mother, brother, sis-

ter, or child, has a direct or indirect financial interest and by which such Official or immediate family member has a reasonable potential of profiting or otherwise benefiting financially.

(c) An Official shall not consider any ex parte or private communication from any person, whether oral or written, which he/she knows is, or reasonably may be, intended to influence the decision on the merits of any matter where a determination is required by law to be made on a record after opportunity for a hearing to interested persons. Any such ex parte or private communication received and considered shall be reported in writing to the Village Council, which shall officially include such written disclosure as an exhibit to the minutes of the meeting wherein such disclosure was made.

Section 4-202. Disqualification Procedures; Complaints; Records

- (a) After complying with the disclosure requirements of Section 4-201, the Official may either:
 - (i) Voluntarily disqualify himself/herself and withdraw from participating in further debates or determinations with respect to the public interest in conflict with the official's private interest or relationship or
 - (ii) Request that the Commission determine the presence or absence of a conflict of interest and advise as to an appropriate course of conduct.
- (b) Any person alleging a violation of this Chapter may file a written complaint with the Commission. Upon the receipt of such complaint, the Commission shall send a written acknowledgment of its receipt and shall notify the Official of the allegation and shall request the Official to provide to the Commission such information as the Commission finds necessary to determine the presence or absence of a conflict of interest. A written complaint hereunder shall not require a formal hearing; such complaints shall be processed under the procedures described in subsections (c), (d), (e) and (f) of this Section. Upon final resolution of the matters alleged, the Commission shall provide a written summary of that resolution to the person having filed a complaint and the Official.
- (c) Upon being advised by the Commission of the presence of a conflict of interest,
 - (i) the Official shall voluntarily disqualify himself/herself and so notify the Council or
 - (ii) failing such voluntary disqualification, the Commission shall mandate that the Official be disqualified from participating in further debates or determinations with respect to the public interest in conflict with the Official's private interest or relationship. For the purposes of this Section, the Commission may find and advise an absence of a conflict of interest when the Officials private interest or relationship is found to be too remote and insubstantial to affect the integrity of the Officials' public actions.

(d) Any Official who voluntarily disqualifies himself/herself shall notify the Council by a written statement of disqualification and shall therein provide a full description of the public interest subject matters about which the Official has withdrawn from participation in further debate or determination. A voluntary disqualification does not require a disclosure of the specific nature of a private interest or relationship considered to be in conflict; only the public interest object of conflict must be disclosed.

(e) The Commission shall notify the Council and the Official in writing of all mandated disqualifications and shall therein provide a full description of the public interest subject matters with which an Official has been found in conflict and about which such Official should be disqualified from participation in further debate or determination. The Commission shall mandate a disqualification for any Official who fails or refuses to provide the Commission with such information as the Commission finds necessary to determine the presence or absence of a conflict of interest.

(f) A record of any public interest description accompanying a voluntary or a mandated disqualification shall be maintained in the minutes of the Council meeting at which notification was received.

(g) The Commission shall meet in closed session

- (i) to protect the privacy or reputation of individuals with respect to their private interests or relationships not related to the public business,
- (ii) to discuss the discipline of an Official under the provisions of this Chapter,
- (iii) to consult with counsel, or
- (iv) to consult with staff, consultants or other individuals about pending or potential litigation.

(h) Any part of a public record maintained under the provisions of this Chapter shall be privileged and not subject to public inspection to the extent that such record contains any of the following information:

- (i) information about the finances of an individual including assets, income, liabilities, net worth, bank balances, financial history or activities or credit worthiness,
- (ii) any otherwise confidential financial information,
- (iii) confidential commercial information, or
- (iv) trade secrets; for the purposes of this Section, confidential or secret information shall be such information as is customarily regarded as confidential in business.

Section 4-203. Failure of Quorum; Substitute Appointment

If, because of a voluntary or mandatory disqualification under the provisions of this Chapter, less than a quorum of the Council is available to act upon any particular matter, or if a disqualified Official is required by law to act or is the only person authorized

to act, either

(a) the disqualified Official shall be given an opportunity to disclose to the Council the nature and circumstances of the private interest or relationship and may thereafter participate or act, or

(b) failing such voluntary disclosure, the remaining Council member(s) shall constitute a quorum and shall have authority to transact any business to the extent permitted by law, including the appointment of a substitute Council member to act in the place of any disqualified Official being required by law to act or being the only person authorized to act; provided that nothing in this Chapter shall be construed to permit the transaction of business otherwise contrary to the provisions of State or other law.

Section 4-204. Orders

(a) The Council, upon the advice of the Commission, may issue a cease and desist order against any person found by the Commission to be in violation of this Chapter and may seek enforcement of this order in the Circuit Court of Montgomery County.

(b) An Official found by the Commission to be in violation of this Chapter may, upon the advice of the Commission, be subject to disciplinary or other appropriate personnel action, including suspension of Village salary or other compensation, as ordered by the Council.

CHAPTER 5 COUNTY AND VILLAGE RELATIONS

ARTICLE 1. VILLAGE AUTHORITY

- 5-101 Purpose
- 5-102 Legislative Authority
- 5-103 Specific Exemptions for County Laws

Section 5-101. Purpose

This Chapter establishes the applicability of Montgomery County laws and regulations within Section 3 of the Village of Chevy Chase and is intended to prevent conflicts between County and Village authority.

Section 5-102. Legislative Authority

No provision contained within this Chapter shall affect the authority of the Village Council to adopt legislation and regulations relating to any subject upon which the

Village Council has legislative authority to act either by public general law or by Charter of Section 3 of the Village of Chevy Chase.

Section 5-103. Specific Exemptions from County Laws

Section 3 of the Village of Chevy Chase is exempt from the following legislation, and regulations pertaining thereto, as codified in the Montgomery County Code, 1984, as amended:

Cable Communications	Chapter 8A
Contracts, Purchases & Dispositions	Chapter 11B
Ethics	Chapter 19A
Finance	Chapter 20
Financial Disclosure	Chapter 20A
Legislative Oversight	Chapter 29A
Motor Vehicles & Traffic	Sections 31-2, 31-10, 31-12, 31-16, 31-17, 31-19, 31-31-47 and 31-48
Personnel	Chapter 33
Solid Waste	Chapter 48
Streets & Roads	Chapter 49
Silver Spring, Bethesda, Wheaton Montgomery Hills Parking Lot District (inclusive)	Chapter 60
City, Town and Village Charter	Chapter 71-84

ARTICLE 2. COUNTY AUTHORITY

- 5-201 Concurrent County Jurisdiction
- 5-202 Adoption by Reference
- 5-203 Prior Agreements

Section 5-201. Concurrent County Jurisdiction

Jurisdiction otherwise exercised by Montgomery County within Section 3 of the Village of Chevy Chase, not inconsistent with this Code and as authorized by law, shall be considered concurrent jurisdiction with the jurisdiction of the Village, unless reserved by State law exclusively to Montgomery County or to the Village.

Section 5-202. Adoption by Reference

Nothing contained in this Chapter shall limit or otherwise affect the Village's author-

ity to adopt by reference any law or regulation of Montgomery County as its own law or regulation. Nor shall anything in this Chapter repeal any Village ordinance or regulation which specifically adopted or incorporated by reference any County legislation, unless and until so repealed by the act of the Village Council.

Section 5-203. Prior Agreements

Nothing contained in this Chapter shall repeal or impair any agreement or authorization previously executed between the Village and the County or any third party until and unless done so by consent of the Village and County.

ARTICLE 3. AGREEMENTS

- 5-301 Agreements Providing For County or State Enforcement of Village Laws
- 5-302 Cable Communications Systems

Section 5-301. Agreements Providing For County or State Enforcement of Village Laws

Nothing contained in this Chapter shall limit or otherwise affect the Village's authority, whether exercised previously or in the future, to request the enforcement of Village legislation or regulations in whole or in part by Montgomery County or the State of Maryland, and to enter into agreements providing for the same.

Section 5-302. Cable Communications Systems

(a) Chapter 8A of the Montgomery Code, entitled "Cable Communications," may be amended from time to time, is incorporated by reference and enacted as the cable communications ordinance of the Village with additions and amendments as set forth in paragraph (b) of this Section.

(b)

- (i) Section 8A-17(d) is amended to provide that interest earned by the franchiser on advance payments of franchise fees shall not be considered a part of the franchise fee, but shall be considered as part of net revenues for the purpose of sharing franchise fees with the Village.
- (ii) Section 8A- 17(d) is amended to provide that the Village may revoke its franchise and, with the approval of the Village Council, shall have the right to purchase all assets and property of the cable system located within the corporate limits of the Village and on terms as provided in Chapter 8A.

(c) The Village Council is authorized to enter into agreements with Montgomery County to enable the County to administer franchises granted by the Village.

CHAPTER 6
LICENSES & PERMITS

ARTICLE 1. GENERAL PROVISIONS

6-101 Definitions

Section 6-101. Definitions

For the purposes of this Chapter, the following words and phrases shall have the following meanings:

(a) "Accessory building" means a building subordinate to, and located on the same lot with, the main building thereon, the use of which is clearly incidental to the principal use of the main building on said lot or to the principal use of the land of said lot, and which is not attached by any part of a common wall or roof with the main building.

(b) "Building" means a structure on a lot which has one or more stories and a roof and is designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

(c) "Building Inspector" has the meaning ascribed to it in the Village Charter.

(d) "Building restriction lines" means the lines beyond which the foundation wall or any deck or any enclosed or covered porch, vestibule or other enclosed or covered portion of a building or accessory building shall not project.

(e) "Chairman" has the meaning ascribed to it in the Village Charter.

(f) "Council" has the meaning ascribed to it in Section 1-204.

(g) "Emergency re-construction, repair or excavation" means work necessitated by an actual and immediate danger of a failure or collapse of any structure or any part thereof which would endanger life or which would disrupt vehicular traffic.

(h) "Fences" means man-made structures which are designed primarily to partially or wholly define a lot or a portion thereof.

(i) "Front property line" means the property line separating a property from the street. For a corner lot, all such lines shall be considered "front property lines."

(j) "Lot" means a parcel of land, whether or not improved, the fee simple title to which is, or may be, separate and distinct from that of any other land, and which is, or may be, described by metes and bounds or reference to recorded lot and block numbers.

(k) "New house" means a structure intended primarily for habitation and constructed on a vacant lot or part of a construction project that includes the removal, replacement, expansion, enclosure, or alteration of fifty (50) percent or more of the exterior walls of the existing house, measured in surface area and including only that area entirely above grade.

(l) "Ordinary repairs or maintenance" means those repairs incidental to a continuation of existing uses and necessary to maintain a structure in good working order and in a safe and sanitary condition, but such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress or rearrangement of parts of a structure affecting the exitway requirements; nor shall ordinary repairs include addition to, alteration of, replacement of or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping; electric wiring or mechanical or other work affecting public health or general safety.

(m) "Person" means an individual, corporation, association, firm, partnership or the like.

(n) "Sidewalk" means the portion of any street designed exclusively for passage of pedestrians.

(o) "Street" means any public right-of-way by which pedestrian and vehicular traffic traverses over, through, across, into and/ or out of the Village, and/or under which any sewerline, pipeline or cable line or the like is located.

(p) "Structure" means an assembly of materials forming a construction on real property including, but not limited to, buildings, decks and porches, accessory buildings, fences, sheds, shelters, garages, tennis courts, pools, parking lots, pipelines, sewerlines, telecommunication lines, patios, or driveways.

(q) "Unrelated Persons" means anyone who is not a son, daughter, grandson, granddaughter, father, mother, grandfather, grandmother, brother, sister, stepmother, stepfather, stepson, stepdaughter, husband, wife or in-law of the owner, operator or lessee of the structure.

(r) "Vice Chairman" means the Vice Chairman of the Village Council.

(s) "Village" has the meaning ascribed to it in Section 1-204.

(t) "Village Charter" means the Charter of Section 3 of the Village of Chevy Chase, Maryland.

[Article 2 intentionally left blank]

ARTICLE 3. VILLAGE BUILDING PERMITS

- 6-301 Purpose and Application
- 6-302 Permits Required; Application
- 6-303 Building Code
- 6-304 Building Restriction Lines
- 6-305 Fences and Walls
- 6-306 Process for Obtaining Permits
- 6-307 Applicable Standard; Appeals; Exceptions
- 6-308 Completion Bonds
- 6-309 Enforcement of Permits; Stop Work
- 6-310 Variances
- 6-311 Fees for Building and Demolition Permits and Various Applications

Section 6-301. Purpose and Application

(a) This Article is intended to protect and promote the health, safety and welfare of the residents of the Village.

(b) The permitting requirements of this Article are in addition to the requirements imposed by Montgomery County. Nothing in this Article shall be construed to relieve any person from the requirements of the County or State regarding building permits, environmental permits, or approvals required from any County or State agency.

Section 6-302. Permits Required; Application

(a) Building permits issued by the Building Inspector are required before the following work can be started:

- (i) Constructing, altering, erecting or demolishing any structure;
- (ii) Constructing, rebuilding or reconstructing any off-street parking area;
- (iii) Excavating, grading yards or installing a sump pump and/or a new sump pump discharge;
- (iv) Constructing or renovating (but NOT re-surfacing or replacing an existing driveway) a driveway, driveway apron or curb cut;
- (v) Blocking or closing a street or sidewalk in connection with any construction activities;
- (vi) Constructing or altering a fence or wall;
- (vii) Use of dumpsters or temporary storage units (see also Chapter 7-312).

(b) Building permits are not required for the following work:

- (i) Ordinary repairs and maintenance to the exterior of a structure (including painting, gutter repair, and window replacement or repair);
- (ii) Emergency reconstruction, repair or excavation;
- (iii) Work performed on Village-owned property.

(c) Demolition of buildings:

- (i) Before demolishing, razing or tearing down more than fifty percent (50%) of the exterior walls of a building or garage within the Village, an owner must first obtain a permit from the Building Inspector for such demolition.
- (ii) The building inspector shall issue a permit only if he finds that such work will be carried out in a way that nearby property owners will not be adversely affected and that the public health, safety and welfare will not be jeopardized by such work.

(d) Use of public right-of-way by telecommunications providers, utilities and other users:

- (i) Every person or firm including, but not limited to, any utility company or any provider of telecommunications or information services, (including but not limited to telecommunications companies, cable providers, internet providers or fiber optic providers) that seeks to install or erect any poles, installations, wires, equipment boxes or other equipment on, across or under any public right-of-way or public land (including greenway, streets, sidewalks, or parks) in the Village, shall obtain from the Building Inspector a permit prior to commencing any such construction or installation.
- (ii) The Building Inspector shall not issue a permit under Section (d)(i) until the following conditions are met:
 - a. The applicant demonstrates that it has obtained any necessary approvals from all applicable County, State or Federal agencies.
 - b. The applicant has provided the Building Inspector with a set of plans and specifications for the proposed work.
 - c. The applicant has tendered a check in an amount sufficient to cover the fees listed in Section 6-311. The check will not be cashed by the Village unless the permit is approved.
 - d. The applicant has provided a performance bond or damage security deposit or letter of credit (to be refunded at completion of construction if no damage is done to public areas) in an amount equal to five percent (5%) of the estimated total cost of construction.
- (iii) Nothing in this ordinance shall be deemed to override other provisions of law concerning the operation of utilities or telecommunications or information services nor shall the ordinance apply when there is a need for emer-

gency action to prevent property damage or personal injury. This ordinance shall not be construed to require a building permit in order to connect an individual home to an existing telecommunications or utility structure if no new construction or installation is required in or under the public land or right-of-way.

(e) Applicants for building permits must submit the following:

- (i) A copy of the Montgomery County Building Permit if one is required.
- (ii) A copy of the house location survey with the addition or accessory structure clearly indicated. If any structure or improvement (including a fence) is to be placed within two (2) feet of any Section 3 building restriction line or property line, the applicant must submit a boundary survey executed by a licensed Maryland surveyor within the past five years showing the existing structures on the lot, the building restriction lines (setbacks) and the proposed improvements and their relationship to the restriction lines.
- (iii) A copy of a full set of County-approved plans.
- (iv) For structures over one hundred forty-four (144) square feet, a drawing prepared by a licensed engineer showing the following:
 - a. Front and rear yard widths; and
 - b. North point and scale of plan; and
 - c. The location of any existing and proposed drainage structure, including any swale, and the general flow of water, indicated by arrows, to and from each structure. The applicant must file a drainage plan with current and proposed topographic contours for any construction (including a driveway) that would impact an existing condition or increase any impervious surface.
- (v) A copy of the Section 3 Building Permit Application form along with the appropriate fee. (See Section 6-311)

(f) Building permits will not be granted for any residential building, addition, or renovation or accessory structure, sump pump, new sump pump discharge or driveway unless the property owner can show that the resulting runoff will not adversely affect any adjacent property, public sidewalk and/or streets.

(g) The building permit application for any proposed construction or renovation of any driveway shall demonstrate maximum permeability (80-100%) or provide for adequate means of retaining stormwater on site so that drainage would not adversely affect any adjacent property or public sidewalk or street.

Section 6-303. Building Code

All construction for which a building permit is required shall be performed to the standards set forth herein and in the Building Code of Montgomery County. All such construction shall be performed and completed in a safe and workmanlike manner and in compliance with all applicable County and State laws and regulations.

Section 6-304. Building Restriction Lines

(a) General Rule. Buildings (including additions to existing buildings) and any appurtenances and projections, including, but not limited to, cornices, eaves, vestibules, bay and bow windows, steps, stairways, decks, porches, terraces, chimneys, air-conditioning units, generators, and the like, shall not be built closer than thirty (30) feet from any front property line, twenty (20) feet from the rear property line and eight (8) feet from any side property line. The sum of the side setbacks shall be not less than eighteen (18) feet. In determining compliance with the 18-foot combined side setback requirement, the sum of the setbacks is calculated based on the actual setbacks of each side of the building, measured from the point of the building that is closest to the respective side property line.

(b) Exception for Certain Existing Buildings Not Conforming to the Required Side Setback. A building that is in existence as of April 14, 2004 and has been constructed five (5) feet or more from any side property line may be maintained, repaired, altered, renovated, or enlarged provided that any expansion of the three-dimensional boundaries of such a building shall not be constructed any closer to the side property line than the existing wall of such building or eight (8) feet, whichever is less, and provided that the sum of the side setbacks equals at least eighteen (18) feet. This exception shall apply only if the wall plane of the portion of the building that is located five (5) feet or more from the side property line measures five (5) feet or more in length.

(c) Rule for Corner Lots. For a corner property, the terms front, rear and side property lines shall have the same meaning as front, rear and side lot lines as defined in the Montgomery County Zoning Ordinance, except as modified by this Chapter. On a corner lot, no building (including an addition to an existing building) shall be erected any closer than thirty (30) feet from the front property lines, twenty (20) feet from the rear property line, or ten (10) feet from the side property line. A building that is in existence as of April 14, 2004 and that has been constructed five (5) feet or more from any side property line may be maintained, repaired, altered, renovated, or enlarged provided that any expansion of the three-dimensional boundaries of such building shall not be constructed any closer to the side property line than the existing wall of such building or ten (10) feet, whichever is less, and provided that the rear setback of such building shall be at least twenty (20) feet. This exception shall apply only if the wall plane of the portion of the building that is located five (5) feet or more from the side property line measures five

(5) feet or more in length.

(d) Parking Facility. No parking space within an off-street parking facility containing six (6) or more parking spaces shall be constructed or maintained closer than thirty (30) feet from any front property line and twenty (20) feet from any abutting property that is improved with a single-family dwelling.

(e) Sheds. Notwithstanding any other provision of this section, a shed with a floor area of one hundred forty-four (144) square feet or less may be constructed only in a rear yard and may be erected no closer than five (5) feet from the rear and side property lines.

Section 6-305. Fences and Walls (formerly part of Section 7-209)

(a) General Rule. Fences or walls on private property shall not be permitted to extend into sidewalks or streets or to interfere with pedestrian or vehicular traffic.

(b) Corner properties. For properties located at the intersection of two streets, fences or walls shall be maintained at a height not to exceed forty-eight (48) inches along the street property lines and in a manner so that persons using the streets shall have an unobstructed view of pedestrian and vehicular traffic. Fences or walls cannot be higher than thirty-six (36) inches within fifteen (15) feet of the corner in each direction.

(c) Heights. A fence or wall which runs in front of the front house line shall not exceed forty-eight (48) inches in height. All other fences or walls (including those running with the rear property line or the side property line behind the front house line) shall not exceed seventy-two (72) inches in height.

(d) Heights-how measured. In determining the heights of fences or walls, the measurement shall be taken from the lowest point beneath the fence or wall. If the yards on either side of the fence or wall differ in level, the measurement shall be taken from the ground of the higher yard.

(e) Construction. No person shall erect or maintain anywhere in the Village a fence or wall of unsound construction or in such disrepair as to present a danger or a hazard to the public or persons on adjacent properties, or a fence assembled with or having any barbed wire, spikes or similar device or a fence carrying electric charge sufficient to cause a shock. No Village building permit will be issued for any proposed fence specifying such material or mode of operation.

(f) Grandfather provision. The provisions of Section 6-305 shall not apply to fences or walls existing as of September 13, 1989. Fences or walls existing as of September 13, 1989 not complying with the provisions of this Section shall not be enlarged or extended without a new building permit and, further, shall not be restored, replaced, or re-erected without compliance with the provisions of Section 6-305 (a-e) (except for such minor repairs necessary to keep the fence or wall from becoming a health or safety hazard).

Section 6-306. Process for Obtaining Permits

(a) Persons seeking a building permit shall complete an application in the form approved by the Council. The form may be obtained from the Building Inspector. Completed forms shall be delivered to the Building Inspector for review. (See Section 6-311 for Fees for Building and Demolition Permits and Various Applications).

(b) Because some Village requirements differ from County requirements, applicants are encouraged to consult with the Building Inspector before obtaining County permits.

(c) At the time of the application, the applicant shall advise the Building Inspector whether any of the neighbors immediately impacted by the proposed construction oppose the construction. For purposes of this section, a neighbor whose property borders a proposed fence or wall or whose property confronts or adjoins the lot of the proposed construction shall be deemed a neighbor immediately impacted by the proposed development. The Building Inspector may refuse to process an application which does not comply with the requirements of this Section.

(d) The Building Inspector shall require from the applicant:

(i) evidence that the proposed activity complies with all applicable Village, County and State laws and permitting requirements; and

(ii) such plats, plans, drawings and other information as the Building Inspector deems necessary to determine that the proposed activity would not be in derogation of the health, safety and welfare of the residents of the Village.

(e) When the Building Inspector has received proof of compliance with the requirements of this section, he or she shall issue the building permit. The Building Inspector or the Council may attach conditions to the permit to assure the health, safety and welfare of both the job site and the neighborhood, which conditions shall become part of the permit and enforceable under the terms of this Article. The Building Inspector or Council may also require a bond or other security for loss or damage to public or private property which may be caused by equipment (including dumpsters) used during the approved construction or demolition.

(f) Activity authorized by Village permits shall be begun within six months after issuance of the permit and shall be completed within one year from the date of issuance of the permit. These time limits may be extended by the Council upon satisfactory proof that, despite due diligence by the applicant, additional time is required to complete construction.

(g) The Building Inspector is authorized to approve non-material deviations in approved activity under this section without requiring a new building permit. Otherwise, all activity for which a permit has been issued shall be completed in accordance with the plans and specifications approved by the Building Inspector.

Section 6-307. Applicable Standard; Appeals, Exceptions

(a) If the Building Inspector denies an application for a building permit, the applicant has thirty (30) days from the date of the denial in which to appeal the denial. Written notice of an intent to appeal shall be delivered to the Building Inspector. The Council shall promptly publish the notice of appeal in the Village newsletter (or other publication relied upon to give public notice of Council activities) and shall advise in that publication when and where the appeal shall be heard. The hearing on the appeal shall be held no later than sixty (60) days after the filing of the notice of appeal.

(b) An appeal shall be heard and decided by the Council de novo based upon a presentation by the Building Inspector and any evidence presented by the applicant and any other residents or property owners who appear in support or in opposition. The Chair of the Council shall preside at the appeal. All members of the Council who have heard the evidence, including the Building Inspector, shall vote on the appeal. The Council may vote to grant the permit (with or without conditions) or deny the permit.

Section 6-308. Completion Bonds

No person shall begin any excavation, repair or construction in any street or sidewalk unless such person has provided the Council with a completion bond, letter of credit or security. No security shall be required for emergency excavation, repair or construction of any street, including dedicated right-of-way, or sidewalk or for routine utility maintenance work.

Section 6-309. Enforcement or Permits; Stop Work Orders

(a) Any person who commences any addition, alteration, construction, reconstruction, repair or improvement in violation of this Chapter may be enjoined from proceeding. Any permittee who violates the terms of an issued building permit, including any conditions attached to the issuance of the permit, shall be deemed to have committed a municipal infraction.

(b) In addition to the other remedies set forth in this Code, the Building Inspector or the Village Council may revoke the building permit of any permittee who violates the terms of the permit, including any conditions attached to the issuance of the permit. Notwithstanding the provisions of Section 6-307(a), the Building Inspector may withhold issuance of a building permit where the owner and/or occupant has had a previous building permit for the same or similar construction revoked under the terms of this paragraph unless adequate assurances that the causes of the revocation will not reoccur.

(c) In addition to the other provisions set forth in this Article:

- (i) Whenever the Building Inspector determines that work on any structure is being prosecuted in violation of the provisions of this Article, including those conditions upon which the building permit has been issued or in a manner which threatens the safety, health and welfare of the public, the Building Inspector may order such work be immediately stopped.
- (ii) The stop work order described herein shall be issued in writing and posted at the work site.
- (iii) It shall be unlawful for any person to continue or permit the continuance of work in or about a structure after having been posted with a stop work order, except such work as the Building Inspector directs to be performed to remove a violation or unsafe condition.

(d) The Building Inspector may revoke a permit or approval issued under the provisions of this Article in the case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based, or in case of any deviation from the approved plans or any violation of the conditions upon which such permit was issued.

(e) Within thirty (30) days after the date of revocation or issuance of a stop work order, a written notice of appeal may be filed with the Building Inspector; the appeal procedures for the denial of a building permit application shall apply.

Section 6-310. Variances (formerly Section 7-210)

(a) Power to grant. Whenever an owner applying for a permit under this Code establishes that because of the extraordinary or unique condition of the property, strict compliance with the provisions of the Code would create practical difficulties or an undue hardship for the owner, the Council may grant a variance from the provisions of Chapters 6 and 7 of the Code, provided that the variance would be consistent with the overall purposes of the Code and would not unduly interfere with the use and enjoyment of other affected properties.

(b) Procedures. An applicant shall submit a written request for a variance to the Council, along with a description of the facts supporting the need for the variance. The applicant shall also submit drawings, surveys and other information sufficient to inform the Council as to the locations, dimensions, property lines and other features of the property for which the variance is sought. Upon receipt of a request for a variance, the Council shall promptly cause notice of the request to be published in the newsletter or shall cause other reasonable notice to be issued. The Council shall consider the variance request at the next regularly scheduled meeting following publication of notice. In granting a variance, the Council may require conditions which will, in its judgment, secure the objectives of this Code and protect the public interest.

Section 6-311. Fees for Building and Demolition Permits and Various Applications

An applicant shall pay to the Village the following fees upon submission of an application for a permit or variance:

(a) Application for Variance (Section 6-310)	\$25.00
(b) Application for Demolition Permit (Section 6-302 (a) (i) and Section 6-302 (c))	\$25.00
(c) Construction or alteration of a fence or wall (Section 6-302 (a) (vi) and Section 6-305)	\$50.00
(c) Excavating, grading yards or installing a sump pump and/or a new sump pump discharge (Section 6-302(a) (iii))	\$50.00
(d) Constructing or renovating a driveway, driveway apron or curb cut (Section 6-302 (a) (iv) and Section 6-302 (g))	\$50.00
(e) Use of a dumpster or temporary storage unit (Section 6-302 (a)(vii) and Section 7-312)	\$50.00
(f) Constructing, rebuilding or reconstructing any off-street parking area (Section 6-302 (a)(ii) and Section 6-304(d))	\$50.00
(g) Construction of a structure of 144 square feet or less (Section 6-301(a)(i) and Section 6-302 (e) (i,ii,iii,v))	\$100.00
(h) Construction of a structure of more than 144 square feet, not including new houses (Section 6-302 (a)(i) and Section 6-302 (e))	\$250.00
(i) New house construction (Section 6-101 (xi) Section 6-302(a)(i) and Section 6-302 (e))	\$500.00
(j) Basic application fee for use of the public right-of-way by telecommunications providers, utilities and other users (Section 6-302 (d))	\$2000.00
(k) Additional application fees:	
(i) Installation of poles, per pole	\$500.00
(ii) Overhead wires, per linear foot	\$2.00
(iii) Underground wires—street or sidewalk cuts, concrete or asphalt, per linear foot	\$3.50
(iv) Grass, per linear foot	\$2.00

ARTICLE 4. RESIDENT PARKING PERMITS

6-401 Resident Parking Permits

Section 6-401. Resident Parking Permits

(a) The Council finds that the health, safety and welfare of many residents of the Village are adversely affected by burdens placed on them by virtue of major public and private facilities and programs created or authorized by governmental action. Frequently, the use of streets within residential areas for the parking of vehicles by persons using adjacent commercial, institutional, industrial, recreational and transit areas and other areas, facilities, programs and activities emanating from planning, zoning, permit approvals and other decisions by the government results in hazardous traffic conditions, the overburdening of existing streets, roads and other facilities, air and noise pollution, conditions hazardous to pedestrians, interference with the use and enjoyment of private property and the inability of residents of certain areas to obtain adequate parking adjacent to or close by their places of residence. In order to reduce to the extent possible the aforementioned conditions, to foster the use of public transit facilities and alternative methods of transportation and to promote the safety, peace, good order, comfort, convenience, health and welfare of the residents of the Village, the Council deems it essential that the permit parking authorization provided for in this section be enacted.

(b) The Council is hereby authorized to designate by written order, roads, streets public ways and other areas within the Village in which the parking of vehicles may be restricted, in whole or in part during certain specified times, to holders of valid parking permits issued pursuant to this Section. The Council shall consider the institution of a permit parking system and restrictions upon petition by the residents of a given area or upon the Council's own initiative.

(c) The designation or withdrawal of a parking permit area shall take into account, among other things:

- (i) The effect on the health, safety or welfare of residents of the area under consideration from intensive use by nonresidents for parking of vehicles.
- (ii) The need of residents of the area to obtain adequate on-street parking adjacent to or close by their places of residence and the availability of adequate off-street parking to those residences.
- (iii) The difficulty or inability of residents of the area to secure adequate on-street parking adjacent to or close by their places of residence because of widespread use of available parking spaces in that area by nonresident, transient motorists.
- (iv) The impact of major public facilities and programs or other governmental actions on the health, safety and welfare of the residents of the area and any unreasonable or disproportionate burdens placed on those residents in

securing adequate on-street parking and gaining access to their places of residence by virtue of such facilities, programs and governmental actions.

- (v) The need for safe and convenient pedestrian access or the encouragement of alternative forms of transportation.
- (vi) The likelihood of alleviating, by use of a permit parking system, any problem associated with or attributed to the nonavailability of residential parking spaces.
- (vii) The fact that the residents of a contemplated parking permit area have contributed to the costs of construction and/or improvement of streets and roads in such area to the extent such costs are reflected in purchase or rental prices paid by those residents.
- (viii) The need for some parking spaces to be available in the area under consideration for use by visitors, service and delivery vehicles and the general public.
- (ix) The desire of the residents in the area for the institution of a parking permit system or a determined public need for such a system in a given area.
- (x) The average number of vehicles parked on such streets on the weekdays of any weekly or monthly period, compared to the total number of spaces on such streets.
- (xi) Such other factors as may be deemed relevant.

(d) Following the designation of a permit parking area, the Council shall issue appropriate parking permits and shall cause parking signs to be posted in the area indicating the times, locations and conditions under which parking shall be by permit only. Subject to limitations deemed necessary by the Council, permits shall be issued only to persons residing on or owning property immediately adjacent to a street, road or other public way within the permit parking area. A permit shall remain valid for such time as the holder thereof continues to reside or owns property in the area for which the permit is issued. Parking permits issued under this section are nonassignable and nontransferable.

(e) Upon approval of an area as a permit parking area, any resident residing or property owner within the designated area who wishes to apply for a parking permit shall file an application with the Council or Village manager on forms provided for this purpose. The applicant's motor vehicle registration and valid operator's license must be presented at the time of application. The Council or Village manager may require other proof of residence or property ownership within a permit parking area in lieu of a motor vehicle

registration and valid operator's license. Residents or property owners who have permits for their vehicles may request additional permits to accommodate guests or other visitors.

- (f) The parking permit shall be displayed through either the windshield or rear window of the vehicle in plain view and legible from exterior of the vehicle.
- (g) In the event that the motor vehicle on which the permit is displayed is sold, transferred, demolished or stolen and the permit is not removed from the vehicle, the person to whom the permit was issued may request and shall be issued a duplicate permit.
- (h) There will be no fee for permits issued under this Section.
- (i) The following vehicles are exempted from the provisions of this Section:
 - (i) Emergency or governmental vehicles.
 - (ii) Delivery or service vehicles being used for those purposes in connection with deliveries or services rendered to residents.
- (j) The parking of any vehicle or the use of any parking permit in a manner contrary to the provisions of this Section is prohibited and shall be a municipal infraction.

CHAPTER 7 PROPERTY REGULATIONS

ARTICLE 1. GENERAL

7-101 Definitions

Section 7-101. Definitions

(a) Garbage. All organic waste, consisting of the residue of animal, fruit, or, vegetable matter, resulting from the preparation, cooking, handling, or storage of food, exclusive of human or animal feces.

(b) Hazardous Material. Any substance or material in a quantity or form that may pose an unreasonable risk to public health and safety of persons or property, including any material designated by the U.S. Department of Transportation as belonging to a hazard class, and including any explosive, flammable substance, corrosive or radioactive substance.

(c) Historic Vehicle. Any vehicle that meets the definition of historic vehicle under State law, including any vehicle that

- (i) is 25 years old or older and has not been substantially altered from the manufacturer's original design, or

(ii). has a unique interest or historic value including makes of motor vehicles no longer manufactured and models of motor vehicles produced in limited or token quantities and no longer manufactured.

(d) Junk Vehicle. Any vehicle which meets any of the following conditions:

(i) is in an abandoned condition;

(ii) is in such a rusted, wrecked, dismantled, partly dismantled or deteriorated or decayed condition so as not to be lawfully operable on public roads.;

(iii) is in such a rusted, wrecked, dismantled, partly dismantled or deteriorated or decayed condition, whether or not it is operable, so as to constitute a breeding ground for rats, mosquitoes or other vermin or insects.

(e) Litter. All rubbish, waste matter, ashes, refuse, garbage, trash, dirt, debris, dead animals, or other discarded, hazardous or toxic materials of every kind and description.

(f) Refuse. Garbage, rubbish, junk, industrial waste, dead animals, and all other solid waste materials, including salvable waste.

(g) Rubbish. All refuse other than garbage, whether combustible or noncombustible including but not limited to the following: rubbish from building construction or reconstruction, dead trees, uprooted tree stumps, trash, rubble, street refuse, abandoned automobiles, machinery, bottles, cans, waste paper, cardboard, sawdust piles and all other waste material.

(h) Structure means any assembly of materials forming a construction on real property including, but not limited to, buildings, accessory buildings, decks and porches, fences, sheds, shelters, garages, tennis courts, pools, parking lots, pipelines, sewer lines, telecommunication lines, patios, driveways.

(i) Toxic Material. Any substance that can be poisonous if inhaled, swallowed, or absorb into the body through cuts, breaks in the skin, ingestion or bodily contact.

(j) Weeds and Grass. All bushes, hedges, shrubs, grasses, poison oak, poison ivy or any other non-cultivated vegetation which attain a noxious or dangerous condition upon growth or accumulation so as to constitute a menace to public health or a fire hazard. A generalized growth of grasses, poison oak, poison ivy or other non-cultivated vegetation exceeding a height of twelve (12) inches is presumptively a noxious and dangerous condition. A generalized growth of bushes, hedges and shrubs extending into the vertical plane of any public way or abutting premises is presumptively a noxious and dangerous condition. Not included within this definition are trees, flowers, garden vegetables, compost piles or any plant necessary for soil stabilization purposes.

ARTICLE 2. PROPERTY MAINTENANCE

7-201	Purposes
7-202	Safe and Sanitary Dwelling Units
7-203	Yards
7-204	Vacant Structures and Land
7-205	Overgrowth
7-206	Junk Vehicles
7-207	Historic Vehicles
7-208	Vehicle Repairs
7-209	Hedges and Trees
7-210	Unremoved Snow or Ice
7-211	Inspections
7-212	Filing a Complaint
7-213	Procedure Following Investigation

Section 7-201. Purpose

The provisions of this Article are hereby declared to be for the purpose of securing the public safety, health and general welfare in the maintenance of dwelling units and yards within the Village.

Section 7-202. Safe and Sanitary Dwelling Units

It shall be unlawful for the owner of a dwelling unit or his designated agent or lessee to fail to maintain the structure and its exitways in a safe and sanitary condition at all times. Every dwelling shall be kept sanitary, clean and free from unreasonable accumulation of rubbish, garbage or similar matter, and shall be kept free from vermin or rodent infestation. It shall be the duty of each occupant of the dwelling unit to keep in a clean condition that portion of the property which he occupies or over which he has control.

Section 7-203. Yards

It shall be unlawful for the owner of a yard or his designated agent or lessees to fail to maintain the yard free from all unsafe, hazardous or unsanitary conditions. Every yard shall be kept sanitary, clean and free from unreasonable accumulation of rubbish, garbage, refuse, and hazardous or toxic material.

It shall be unlawful for any person to park or allow to be parked on any property under his control any car, boat, bus, recreational vehicle, truck, all terrain vehicle, motorcycle or trailer on any surface other than a driveway for more than seventy-two (72) consecutive hours.

Section 7-204. Vacant Structures and Land

The owner of any vacant structure or land shall be responsible for keeping the structure and land in a clean, safe, secure and sanitary condition, consistent with the standards set forth in Sections 7-202 and 7-203. Vacant structures or land shall not be permitted to adversely affect public health and safety.

Section 7-205. Overgrowth

The grass, weeds, and other growths on any property shall be appropriately trimmed and maintained so that they are not overgrown and noxious. Overgrowth is defined as generalized growth of grasses, poison oak, poison ivy or other non-cultivated vegetation exceeding a height of twelve (12) inches. The owner and/or occupant of any property shall be responsible for ensuring that lawns and yards are not overgrown.

Section 7-206. Junk Vehicles

It shall be unlawful to park or maintain a junk vehicle within the Village unless housed or stored in a completely enclosed building or unless otherwise authorized by this Chapter.

Section 7-207. Historic Vehicles

A junk vehicle which also meets the definition of a historic vehicle may be parked or maintained within the Village, without being housed or stored in a completely enclosed building, if placed behind the front building line and protected by a tight-fitting, weather-proof covering. For the purposes of the Article a carport does not constitute the required covering.

Section 7-208. Vehicle Repairs

The repairing, servicing, replacing of parts, or the performance of maintenance work on a vehicle on a public street is prohibited unless completed within fifteen (15) days after the commencement. The repair, servicing, replacement of parts or the performance of maintenance work is prohibited unless completed within thirty (30) days if outside of an enclosed building on any private premises, and thereafter the vehicle upon which the repairs are made is legally operable upon any public street or highway.

Section 7-209. Hedges and Trees

(a) General Rule: Hedges, trees, shrubbery or other growth on private property shall not be permitted to extend into sidewalks or streets or to interfere with pedestrian or vehicular traffic.

(b) Corner properties. For properties located at the intersection of two streets, hedges, trees, shrubbery or other growth shall be maintained at a height not to exceed forty-eight (48) inches along the street property lines and in a manner so that persons using the streets shall have an unobstructed view of pedestrian and vehicular traffic. Hedges, trees and shrubbery or other growth cannot be higher than thirty-six (36) inches within fifteen (15) feet of the corner in each direction.

(c) Heights. A hedge or line of shrubs which runs in front of the front house line shall not exceed forty-eight (48) inches in height. All other hedges or lines of shrubs (including those running with the rear property line or the side property line behind the front house line) shall not exceed seventy-two (72) inches in height.

(d) Heights-how measured. In determining the heights of hedges or shrubs, the measurement shall be taken from the lowest point beneath the hedge, or line of shrubs. If the yards on either side of the hedge or line of shrubs differ in level, the measurement shall be taken from the ground of the higher yard.

Section 7-210. Unremoved Snow or Ice

It shall be unlawful for any person to maintain or to neglect a hazardous condition resulting from an accumulation of snow or ice upon any sidewalk within the Village. The owners and occupants of properties abutting a sidewalk shall:

(a) Remove or cause the removal of snow and ice for a reasonable width for the entire length of any sidewalk abutting upon their property.

(b) Refrain from depositing or causing a deposit of removed snow or ice upon any public street.

(c) Remove or cause the removal of snow and ice within twelve (12) hours, or a reasonable time, after a snowfall.

(d) Be charged a removal cost in the event that the Village shall have caused the removal of accumulated snow and ice upon failure of the owner and occupant to comply with the Village's notification and order to remove such snow and ice.

Section 7-211. Inspections

The Building Inspector shall make inspections as are necessary to investigate a complaint filed under the provisions of this Article. A record of every such inspection shall be made.

Section 7-212. Filing a Complaint

Any person who has reason to believe a violation of this Article exists may file a complaint with the Building Inspector, which complaint shall state the address of the alleged violation and the particulars of the alleged violation.

Section 7-213. Procedure Following Investigation

(a) If the Building Inspector, in investigating a complaint, determines that there are no reasonable grounds to believe that a violation exists, the Building Inspector shall so inform the complainant, provided that no complaint shall be dismissed without a hearing of the Village Council if objection is made thereto by the complaining party.

(b) If the Building Inspector, in investigating a complaint, determines that there are reasonable grounds to believe that a violation exists, the Building Inspector shall attempt to conciliate the matter by methods of initial informal conference and persuasion with the alleged violators and such representatives as they may choose to assist them.

(c) If an apparent violation cannot be informally conciliated, or in the event that the Building Inspector's good faith efforts to contact the alleged violators are unsuccessful, the Building Inspector may issue a Municipal Infraction Citation.

ARTICLE 3. SOLID WASTES

7-301	Purpose and Application
7-302	Authority of the Council
7-303	Refuse Disposal Sites
7-304	Deposit at Other than Approved Place Prohibited
7-305	Littering
7-306	Advertisements and Handbills
7-307	Leaving Garbage, Vehicle Unattended
7-308	Owner and Occupant Responsibilities
7-309	Agreements and Contracts
7-310	Hazardous Wastes
7-311	Incinerators Prohibited
7-312	Dumpsters and Temporary Storage Units

Section 7-301. Purpose and Application

(a) The provisions of this Article are for the purpose of protecting and promoting the health, safety and welfare of the present and future inhabitants of the Village.

(b) The provisions of this Article shall apply to the control and regulation of the collection of refuse within the boundaries of the Village.

Section 7-302. Authority of the Council

(a) Council shall regulate and control the collection of refuse within all parts of the Village.

(b) The Council may enter into such agreements or contracts, including agreements or contracts with any political subdivision or public authority and including agreements regarding the recycling of newspapers or other disposed goods, as it deems advisable to cause the collection and disposal of all household waste.

(c) The Council or its designee may enforce all prohibitions and standards set forth in this Article, including, but not limited to, any action to remove or cause the removal of any garbage, litter, or rubbish improperly maintained upon written notice delivered to, and posted at the Village address of any violator of such prohibition or standard.

(d) The Council may establish and levy such fees as may be necessary to achieve the purposes of this Article, including, but not limited to, fees for the collection of any refuse generated by businesses located within the Village and fees for any removal authorized by this Article.

Section 7-303. Refuse Disposal Sites

It shall be unlawful for any person to establish, operate or maintain a place of final disposal for refuse within the Village or to permit an accumulation of refuse on property owned or occupied by such persons, with the following exceptions:

(a) Refuse stored in accordance with this Article and awaiting collection by the Village.

(b) Accumulation of matter intended for compost is permitted, provided that it does not exceed normal requirements of a home garden and does not attract vermin or produce offensive odors.

(c) Accumulation of firewood is permitted provided that the wood is cut into fire-place-size lengths and stacked so as not to be hazardous or attract vermin.

Section 7-304. Deposit at Other than Approved Place Prohibited

It shall be unlawful for any person to dispose, dump, deposit, or leave any refuse within the Village, except at a place of final deposit approved under this Article.

Section 7-305. Littering

(a) It shall be unlawful for any person or persons to dump, deposit, throw, or leave, or to cause or permit the dumping, depositing, placing, throwing, or leaving of litter on any public or private property in this Village, unless:

(i) Such property is designated by the Council for the disposal of such litter, and such person is authorized by the Council to use such property;

(ii) Such litter is placed into a litter receptacle or container installed on such property;

(b) It shall be unlawful for any person or persons to throw, dump, or deposit any trash, junk or other refuse upon any street, sidewalk, or public right-of-way.

(c) Leaves in paper bags deposited upon the sidewalk or street pending their removal as prescribed by the Council are an exception to this Section.

Section 7-306. Advertisements and Handbills

No person shall, throw, place or distribute any advertisements, circulars, handbills, newspapers or other materials within the Village in such a manner that they may be blown upon and into public streets, alleys or public places. It shall be unlawful to fail to remove a sign within the sooner of:

(a) seven (7) days of its posting if such a sign advertises either a sale of goods from a residential location or a loss of property, or

(b) twenty-four (24) hours of concluding the advertised sale or recovery of property.

Section 7-307. Leaving Garbage: Vehicle Unattended

It shall be unlawful for any person to park or otherwise leave upon any public street within the Village any vehicle, motor or otherwise, used for the hauling or transporting of any garbage, trash, junk or other refuse for any period of time in excess of what is necessary for the loading or unloading of such vehicle.

Section 7-308. Owner and Occupant Responsibilities

(a) It shall be the responsibility of the occupant to provide a sufficient number of approved containers for the storage of refuse to prevent overflow between times of collection from single-family dwellings and to maintain the premises in accordance with the standards of this Article.

(b) It shall be the responsibility of the owner of vacant land to keep his property clear of refuse.

(c) It shall be the responsibility of the occupant to maintain the following container standards:

(i) All containers for the storage of refuse shall be vermin-proof, of noncorrodible metal or similar material, and shall be equipped with tight-fitting lids at all times. Containers recessed into the ground shall be permitted only if they are of such construction that they do not permit the entrance of waste material or water seepage into the nonremovable parts.

(ii) All containers shall be accessible to the users at all times.

(iii) Containers and storage area surfaces shall be washed periodically so that no encrusted waste material is evident upon inspection.

(iv) The presence of refuse in places other than inside proper containers or disposal devices, the presence of sour odors, and the presence of insects, rodents, or other vermin or evidence of their presence shall constitute improper maintenance or lack of maintenance.

Section 7-309. Agreements and Contracts

(a) All agreements to collect and remove refuse from the Village shall require the vendor to remove all refuse in containers or bundles, in accordance with the approved written statement of service, from every point of pickup and to clean up spillage by the collector at pickup points and along the route from the point of pickup to the truck.

(b) All agreements to collect and remove refuse from the Village shall require the vendor to maintain regular service in accordance with the written statement of service and to provide in writing prior notice of not less than thirty (30) days of any intent to discontinue service for any cause, except for nonpayment of service charges. A copy of such notice shall be provided to the Council.

(c) All agreements to collect and remove refuse from the Village shall require the vendor to provide at service within forty-eight (48) hours, or as otherwise provided in the Village contract, in the event of mishap or breakdown of regular equipment, or if collection service is missed for any reason.

Section 7-310. Hazardous Wastes

(a) It is hereby declared to be a nuisance and unlawful for any person to manufacture, accept shipment at an address in the Village, permit storage of, dump, deposit, throw, leave, or to cause or permit the dumping, depositing, placing, throwing or leaving of any hazardous or toxic material on any public or private property in the Village.

(b) No person shall spread or cause to be spread any poisonous matter in such manner as to endanger human beings or domestic animals.

Section 7-311. Incinerators Prohibited

No incinerators are allowed in the Village.

Section 7-312. Dumpsters and Temporary Storage Units

No person shall place a dumpster or other large receptacle for rubbish or solid waste on any street or sidewalk without the prior consent of the Buildings Inspector. All temporary storage units (known as PODS) shall be placed only on residential property with no portion protruding into public space. All such units or receptacles must be removed no later than thirty (30) days after their original placement. In extreme circumstances, the Buildings Inspector may grant a limited extension of that time. The Council may

require that a person seeking to place a dumpster or large receptacle on a street or sidewalk post a bond or other security with the Council in a form and amount approved by the Council to secure the Village as well as other property owners for any costs incurred or damages caused by the placement, use, or removal of the dumpster. Any person placing a dumpster on private property, along with the owner of the property, shall be responsible for compliance with the provisions of this Code concerning collection and disposal of refuse, maintenance of containers, and disposal devices, and protection of the public health and safety.

Anyone getting permission to place a temporary storage unit on his or her property does so with the full agreement that they will assume any costs incurred or damages caused by the placement, use, or removal of the temporary storage unit. It is further understood that the placement of the temporary storage unit should take into account the health and safety of the larger community, for example, it should never block the view of oncoming traffic.

CHAPTER 8

PUBLIC SAFETY

ARTICLE 1. VIOLATIONS OF THE VILLAGE CODE

- 8-101 Purpose and Application
- 8-102 Tampering with Public or Private Structures
- 8-103 Disturbing Meetings or Gatherings
- 8-104 Loitering Upon Private Property

Section 8-101. Purpose and Application

The provisions of this Chapter are declared as necessary for the purposes of protecting and promoting the public safety, preserving peace and good order, and securing persons and property from danger and destruction. The provisions of this Chapter are supplemental to the public safety provisions of the Montgomery County Code and the Annotated Code of Maryland. County or State Law enforcement officers are authorized to enforce the provisions of this Chapter.

Section 8-102. Tampering with Public or Private Structures

Unless expressly authorized by the owner thereof, it shall be unlawful for any person

to tamper with, remove, or otherwise interfere with the functioning of any lawfully erected public or private structure, including any barrier, storm drainage structure, sign, light, or flare indicating a need for caution, fence, hedge, shrubbery, tree, street light, fire hydrant or trash receptacle.

Section 8-103. Disturbing Meetings or Gatherings

(a) It shall be unlawful for any person or persons to interfere with or obstruct any meeting or gathering in the Village, of any kind whatsoever, which may be lawfully congregated for any social, political or public purpose.

(b) Any continued failure to comply with the provisions of this Section, after the arresting officer has first warned the person or persons of the violation and such person or persons has failed or refused to stop such violation, shall constitute a misdemeanor.

Section 8-104. Loitering Upon Private Property; Violation of Village Code

(a) It shall be unlawful for any person or persons to lie upon, recline upon, stand around upon, park upon, congregate upon, or remain upon the land or premises of any other person without such other person's permission.

(b) Any continued failure to comply with the provisions of this Section, after the arresting officer has first warned the person or persons of the violation and such person or persons has failed or refused to stop such violation, shall constitute a misdemeanor.

ARTICLE 2. TRAFFIC AND PARKING

- 8-201 Purpose
- 8-202 Definitions
- 8-203 Emergency Street Restrictions; Special Powers
- 8-204 Snow Removal Restrictions
- 8-205 Emergency Vehicles
- 8-206 Traffic Signs and Regulations
- 8-207 Vehicle Violations

Section 8-201. Purpose

This Article provides procedures for regulating traffic and parking so as to preserve peace and good order in the Village, and protect the health, comfort, and convenience of the citizens of the Village.

Section 8-202. Definitions

For the purposes of this Article, the words and phrases used herein shall, unless otherwise defined, have the meanings respectively ascribed to them in Chapter 31 of the Montgomery County Code.

Section 8-203. Emergency Street Restrictions; Special Powers

In the event of emergencies such as fires, riots, accidents or other events likely to attract crowds, or for the purpose of street maintenance, or crowd control and public safety, or for any other public purpose, the Chairman of the Village Council or his designee and the County Police may at any time:

- (a) Designate any Village street or area as an emergency or temporary no parking zone;
- (b) Temporarily prohibit the parking of vehicles;
- (c) Temporarily prohibit vehicular and pedestrian traffic on such streets or areas;
- (d) Authorize the ticketing, towing, and impoundment of vehicles
 - (i) parked in violation of this Code or Village parking regulations, or
 - (ii) abandoned as defined and controlled by the provision of Title 25, Subtitle 2 of the Transportation Article, Annotated Code of Maryland. The costs and expenses, including legal expenses, thereof shall be charged to the vehicle's owner and collected by way of any legal mean.

Section 8-204. Snow Removal Restrictions

During periods of snow accumulation, the Chairman of the Village Council or his designee may, upon giving such notice as is reasonable under the circumstances, restrict the parking of any vehicles in the street of the Village for the purposes of facilitating snow removal.

Section 8-205. Emergency Vehicles

Nothing contained in this Article shall prohibit the use of the Village's streets by emergency or other vehicles necessary for the protection of life and property.

Section 8-206. Traffic Signs and Regulations

The Village Council may authorize, by resolution:

- (a) The erection of stop, speed limit, no standing, no parking, restricted parking and similar other traffic and parking control signs and devices on public streets and other

areas of and in the Village. Provided, however, that no regulation issued and adopted by the Village shall, in any way, pertain to, and no such sign or device shall be erected on, state highways without approval of the State Highway Administration.

(b) The issuance and adoption of such regulations as are necessary to control vehicular or pedestrian traffic within the boundaries of the Village.

(c) The waiver of all fines, penalties, costs and other charges in instances where there has been a material error in the preparation of the notice of violation or when said charges have been improperly assessed.

(d) The refund of the amount of any overpayment of any charge paid in error to the Village or any such charge improperly assessed, provided that such refund can be made only if claimed within one year from date of payment.

Section 8-207. Vehicle Violations

No vehicle shall be operated or parked in violation of any notice or sign provided for in this Article or in violation of any regulation issued and adopted pursuant hereto, or both the owner and operator thereof shall be subject to the penalties provided for in this Code for any such violation.