Resolution No.: 05-01-11
Introduced: 04-11-11
Adopted:
Effective Date:

# BOARD OF MANAGERS

# For

# Chevy Chase Village, MD

**SUBJECT:** AN ORDINANCE TO AMEND CHAPTER 10 OF THE CHEVY CHASE VILLAGE CODE TO CLARIFY AND UPDATE THE REGULATION OF THE DISPOSITION OF REFUSE AND HAZARDOUS WASTE; TO TRANSFER THE REGULATIONS REGARDING DUTCH ELM DISEASE TO CHAPTER 17 OF THE VILLAGE CODE, TITLED URBAN FOREST; TO REVISE CROSS-REFERENCES IN CHAPTER 6; AND TO ESTABLISH A MUNICIPAL INFRACTION FINE FOR VIOLATION OF THE REGULATION REGARDING DUTCH ELM DISEASE

WHEREAS, Article 23A, Section 2(a) of the Maryland Code, authorizes the legislative body of each municipal corporation in the State of Maryland to pass ordinances that such legislative body deems necessary to assure the good government of the municipality; to protect and preserve the municipality's rights, property and privileges; to preserve peace and good order; to secure persons and property from danger and destruction; and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, Article 23A, Section 2(b)(14) of the Maryland Code authorizes the legislative body of municipal corporations in the State of Maryland, such as Chevy Chase

Village, to regulate or prevent the throwing or depositing of any dirt, garbage, trash or liquids in any public place and to provide for the proper disposal of such material; and

WHEREAS, Section 77-14 of the Chevy Chase Village Charter authorizes the Board of Managers to pass ordinances as it may deem necessary for the health, safety and welfare of Chevy Chase Village; for the protection and preservation of Chevy Chase Village property, rights and privileges; for the preservation of peace and good order; and for the suppression and abatement of all nuisances; and

WHEREAS, Section 77-14(a) of the Chevy Chase Village Charter authorizes the Board of Managers to adopt such ordinances as it deems necessary with respect to dumping of garbage, sanitation and other police and health regulations; and

WHEREAS, Chapter 10 of the Village Code, titled Health and Sanitation, has not been amended since 1997 and most provisions of Chapter 10 have not been amended since 1982; and

WHEREAS, standard procedures for the collection and disposition of refuse, hazardous waste and recyclables have changed substantially since 1982; and

WHEREAS, after proper notice to the public, the Board of Mangers conducted a public hearing at which it considered the following ordinance in public session assembled on the 16th day of May, 2011; and

WHEREAS, the Board of Managers finds that it is in the public interest to clarify and update the regulation of the disposition of refuse, hazardous waste and recyclables to reflect modern practices;

WHEREAS, the Board of Managers finds that the ordinance as hereinafter set forth is necessary to assure the good government of the Village; for the protection and preservation of the Village's property, rights and privileges; for the preservation of peace and good order; for

securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, comfort, and convenience of the residents of the Village.

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

> AN ORDINANCE TO AMEND CHAPTER 10 OF THE CHEVY CHASE VILLAGE CODE TO CLARIFY AND UPDATE THE REGULATION OF THE DISPOSITION OF REFUSE AND HAZARDOUS WASTE; TO TRANSFER THE REGULATIONS REGARDING DUTCH ELM DISEASE TO CHAPTER 17 OF THE VILLAGE CODE TITLED URBAN FOREST; TO REVISE CROSS-REFERENCES IN CHAPTER 6; AND TO ESTABLISH A MUNICIPAL INFRACTION FINE FOR VIOLATION OF THE REGULATION REGARDING DUTCH ELM DISEASE.

SECTION 1.

BE IT ORDAINED AND ORDERED, this _____ day of _____, 2011, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by Article 23A of the Maryland Code and Section 77-14 of the Village Charter, that Chapter 10 of the Village Code is hereby amended to read as follows:

**Chapter 10 HEALTH AND SANITATION***

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***Cross reference(s)**--Buildings and building regulations, Ch. 8; **dutch elm disease Ch. 17;** animal control, Ch. 18.

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**Article I. In General**

§ 10-1. Definitions.

**Article II. Administration**

§ 10-2. Title and administration of Chapter.

§ 10-3. Authority of the Village Manager to regulate and control collection of refuse **and hazardous waste**.

§ 10-4. Establishment of rules and regulations for collection or disposal **of refuse and hazardous waste**.

§ 10-5. Authority to contract with private collectors.

**Article III. Refuse Collection**

§ 10-6. Regular collection of household garbage**, trash** and **[**trash**]** **mixed recyclibles**.

§ 10-7. Special pickups of rubbish.

§ 10-8. Exceptions.

§ 10-9. Pickup of lawn and garden debris.

**Article IV. Prohibitions**

§ 10-10. Accumulation of refuse**, construction rubble or hazardous waste**.

§ 10-11. **[**Refuse**]** **Placement of refuse, construction rubble or hazardous waste** on public or private property prohibited.

§ 10-12. Restrictions on use of public trash receptacles.

§ 10-13. Advertisements and handbills.

§ 10-14. Liquids and gases.

§ 10-15. Use of poison.

§ 10-16. **Household hazardous waste disposal**.

**§ 10-17**. Maximum height of grass and weeds.

§§ 10-**[**17**]****18**--10-**[**23**]****26**. Reserved.

**[Article V. Trees**

§ 10-24. Control of dutch elm disease.

§§ 10-25, 10-26. Reserved.**]**

**Article V[I]. Enforcement**

§ 10-27. Notice to abate prohibited conditions.

§ 10-28. Abatement of prohibited conditions by the Village.

§ 10-29. Penalties.

## ARTICLE I. IN GENERAL

### Sec. 10-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

**[**(a) *Elm blight:* The virus disease, *Phloem necrosis.*

(b) *Refuse:* Shall include, but not be limited to, the following:

(1)**]**

(a) *Household garbage and trash:* All organic waste, including the residue of animal, fruit or vegetable matter, resulting from the preparation, cooking, handling or storage of food; [wastepaper, newspaper and cardboard; cans, jars and bottles;] and all other waste materials normally generated and accumulated in a house[hold].

(b) [(2)]*Lawn and garden debris:* All yard trash, including dead trees, **grass clippings,** tree limbs, stumps, bushes and leaves; and all other debris of the type normally generated and accumulated in gardening, lawn care and tree care.

(c) [(3)]*Rubbish:* All refuse other than household garbage and trash**, recyclable material,** and lawn and garden debris. This shall include ashes, [rubble,] junk, street refuse and all other solid waste materials including salvageable waste**, but not hazardous waste or construction rubble**.

(d) ***Household Hazardous Waste:*** **Household products that can no longer be used that contain corrosive, toxic, or ignitable materials such as household cleaners, paint thinners, motor oils, gasoline and pesticides.**

(e) ***Recyclable Material:*** **Material that can be recycled under Chapter 48 of the Montgomery County Code, including, but not limited to, newspaper, cardboard, cans, jars and bottles.**

(f) ***Construction Rubble and Debris:*** **Material from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including materials such as brick, concrete and other masonry materials, stone, glass, wall coverings, plaster, drywall, framing and finishing lumber, roofing materials, plumbing fixtures, heating equipment, electrical wiring and components.**

(g) ***Refuse:*** **Household garbage and trash, recyclable material, lawn and garden debris and rubbish.**

Cross reference(s)--Definitions generally, § 1-2; rules of construction generally, § 1-3.

## ARTICLE II. ADMINISTRATION

**Sec. 10-2. Title and administration of Chapter.**

This Chapter shall be known as the "Health and Sanitation Ordinance" of the Village and shall be administered by the Village Manager.

**Sec. 10-3. Authority of the Village Manager to regulate and control collection of refuse and hazardous waste.**

The Village Manager is authorized to regulate and control the collection of refuse **and hazardous waste** in any part of the Village.

**Sec. 10-4. Establishment of rules and regulations for collection or disposal of refuse and hazardous waste.**

Collection or disposal of refuse **and hazardous waste** shall be in accordance with such rules and regulations as the Village Manager shall establish with the concurrent approval of the Board of Managers.

**Sec. 10-5. Authority to contract with private collectors.**

The Village Manager, with the approval of the Board of Managers, shall have the authority to [contract] **enter into contracts** with [a] private licensed collector**s** and hauler**s** of refuse **and hazardous waste** for the Village.

## ARTICLE III. REFUSE COLLECTION

### Sec. 10-6. Regular collection of household garbage, trash and [trash] recyclable material.

[The Village will make regular household garbage and trash collections twice weekly from the rear of each dwelling:]

(a) All household garbage and trash shall be **placed in bags and left** [stored] for collection [in approved containers to] **at** the rear of the dwelling unit.

(b) It shall be the responsibility of the occupant or owner to provide a sufficient number of approved containers for storage of household garbage and trash to prevent overflow between times of collection.

(c) All containers for the storage of household garbage and trash shall be vermin-proof and waterproof, of non-corrosive material 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 waste or waste material seepage.]

(d) [No liquids or garbage shall] **Liquids must** be placed in a [container for collection unless the liquid or garbage is secured] **leak-proof container**. [plastic bag or other leak-proof wrapping.]

**(e) Recyclable material must be placed in the approved containers provided by the Village and paper and paper products must be separated from other recyclable material.**

**Cross reference(s)**--Fine for violation of § 10-6[(d)], § 6-3(b)(1).

### Sec. 10-7. Special pickups of rubbish.

The Village will make special pickups of rubbish by arrangement of the owner or occupant with the Village office.

### Sec. 10-8. Exceptions.

The Village will not collect or remove [certain types of refuse] in either regular or special pickups, [such as all] **any** construction [or renovation] **rubble and** debris, [large appliances, auto and machinery parts, carpet and carpet padding.] **hazardous waste, objects weighing in excess of 50 pounds, or other material which the Director of Public Works determines would unreasonably burden staff.** The owner or occupant shall be responsible for removing the aforesaid types of refuse.

### Sec. 10-9. Pickup of lawn and garden debris.

The Village will pick up lawn and garden debris throughout the work week as time is available. The owner and**/or** occupant shall place grass clippings, leaves, garden trash, yard trash, and limbs less than three (3) feet in length along the curb for collection by the Village. Under no circumstances shall any such matter be placed in the street. **Special rules apply to property abutting Connecticut Avenue, Brookville Road and Bradley Lane. Lawn and garden debris, other than leaves, generated and accumulated by private lawn and garden services must be removed by the contractor. Tree**

**removal services are responsible for the disposal of all tree debris.**

## ARTICLE IV. PROHIBITIONS

### Sec. 10-10. Accumulation of refuse, construction rubble or household hazardous waste.

[(a)] No person shall allow, on property owned or occupied by [him] **such person**, accumulation of refuse, **construction rubble or hazardous waste,** with the following exceptions:

([1]a) Refuse stored in accordance with this Chapter and awaiting collection by the Village.

([2]b) Accumulation of matter [intended for garden compost is permitted provided it does not exceed normal requirements of a home garden and does not attract vermin or produce offensive odors] **for garden compost intended for use only on the property on which it is stored**.

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

[(b) No person shall store refuse in a manner that would permit it to be carried or deposited by the elements or animals upon any street, sidewalk or other public place or upon any other private property.]

**Cross reference(s)**--Fine for violation of this section, § 6-3(b)(2).

### Sec. 10-11. [Refuse] Placement of refuse, construction rubble or household hazardous waste on public or private property prohibited.

No person shall place refuse**, construction rubble or household hazardous waste** upon any street or public right-of-way within the Village or upon any [vacant lot or occupied or unoccupied] property [therein,] **other than such person's own property** except [that in accordance with Village regulations matter] for [collection by the Village] **lawn and garden debris which** may be [deposited] **placed** on the public right-of-way but not on any paved **or unpaved** street, gutter or sidewalk.

**Cross reference(s)**--Fine for violation of this section, § 6-3([c]b)(3).

### Sec. 10-12. Restrictions on use of public trash receptacles.

No person shall deposit refuse in the trash receptacles provided by the Village, except for refuse normally and reasonably deposited by a pedestrian in lieu of discarding of the same on the streets and highways of the Village.

**Cross reference(s)**--Fine for violation of this section, § 6-3(b)(4).

### Sec. 10-13. Advertisements and handbills.

No person shall [cast, 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] **onto any public street or property or onto any other private property.**

**Cross reference(s)**--Fine for violation of this section, § 6-3(b)(5).

### Sec. 10-14. Liquids and gases.

No person shall allow to accumulate, throw, place, discharge or cause to flow into any [street, sidewalk, or other] public [place] or [on any] private property or into the air any foul or hazardous liquids [or] gases, [stagnant water,] or other matter that [is offensive to Village residents or endangers] **would endanger** the public health**, safety or welfare**.

Cross reference(s)--Fine for violation of this section, § 6-3(b)(6).

**Sec. 10-15. Use of poison.**

No person shall spread or cause to be spread any poisonous matter in such manner as to [endanger human beings or domestic animals] **violate County, State or Federal law**.

Cross reference(s)--Fine for violation of this section, § 6-3([c]b)(7).

**Sec. 10-16. Household hazardous waste disposal.**

**Hazardous waste must be disposed of in a safe and effective manner. Such waste may not be placed with household trash nor may liquid hazardous waste be introduced into the household drain, storm sewer or deposited onto the ground.**

**Sec. 10-[16]17. Maximum height of grass and weeds.**

No [person]**resident** shall permit or allow any **non-ornamental** grass or weeds to grow on any land owned or occupied by [him] **the resident** to a height in excess of ten (10) inches above the ground.

Cross reference(s)--Fine for violation of this section, § 6-3(b)(8).

**Secs. 10-[17]18--10-[23]26. Reserved.**

**[ARTICLE V. TREES**

**Sec. 10-24. Control of Dutch elm disease.**

(a) The Village Manager is hereby authorized to inspect any tree within the Village, which, according to the Village Manager's knowledge, information or belief, is or may be infected with the Dutch elm disease or elm blight. If upon such inspection the Village Manager determines that any such tree is infected with either of said diseases, the Village Manager shall, if the tree is in or on a public street or other public place within the Village, remove the same in such manner as to prevent as fully as possible the spread of such disease.

(b) If a tree is infected with Dutch elm disease or elm blight and is located on private property, the Village Manager may serve upon the owner of such property a written notice, in the manner hereinafter provided, that such tree is so affected by the disease and that the owners shall cause the same to be removed and/or take other remedial action in accordance with the notice, or to appear before the Village Manager to show cause why the Village should not remove such tree or trees and/or take other remedial action at the owner's expense. Upon failure of the owner to comply with the provisions of the notice, the Village Manager may cause the tree or trees described in such notice to be removed and/or take other remedial action. If said owner shall appear before the Village Manager pursuant to such notice, the Village Manager may thereafter withdraw the Village Manager's original directive or may issue a final order directing such person to remove said tree or trees and/or take other remedial action within five (5) days from the issuance of such order. Upon failure of any person to comply with such final order, the Village Manager may cause the tree or trees described in such order to be removed and/or take other remedial action.

(c) Any person who feels aggrieved by any final order issued by the Village Manager pursuant to the provisions of this section may, within five (5) days after issuance of such order, petition the board of managers, in writing, for a hearing. After receipt of such petition, the board of managers shall, after due notice to all interested parties, hold such a hearing, after which it may affirm, modify or reverse the order of the Village Manager. No enforcement action shall be taken, nor shall any tree or trees be removed by the Village Manager in any instance during the period within which an appeal to the Board of Managers may be taken or pending final action by the Board of Managers if a hearing is requested as provided above.

(d) All orders and notices issued by the Board of Managers or the Village Manager pursuant to the authority of this section shall be served on the person to whom they are directed either by certified mail or by personal delivery to such person. Service on nonresidents and persons who cannot be found in the Village may be made by publication of such order or notice once in a newspaper of general circulation in the Village and by posting the same on the tree or trees concerned in a conspicuous manner. Service shall be deemed to have been made on the day of such mailing, publication, or posting.

(e) If the Village Manager finds it impossible to determine with certainty the existence of either of the aforementioned diseases in any tree or trees inspected by the Village Manager as aforesaid, the Village Manager may take a specimen or specimens from any such tree, which shall be forwarded for examination, diagnosis and report, and the action of the Village Manager shall await and be based upon the report received from such examination and diagnosis.

(f) Whenever it shall be necessary for the Village Manager to provide for the removal of any tree and/or other remedial action under the procedures herein prescribed, the cost thereof shall constitute a debt owed by the property owner to the Village and shall be collected as are other debts.

(g) Any person who fails to remove a tree infected with Dutch elm disease or elm blight and/ or take other remedial action within five (5) days after having been served with a final order to remove such tree and/or take other remedial action shall be guilty of a municipal infraction and shall be subject to such prosecution and penalties as are provided in Chapters 5 and 6 of this Code. For the purposes of this subsection, a final order is an order to remove a tree and/or take other remedial action issued by the Village Manager, unless said order is timely appealed, in which case the Board of Manager's decision on such appeal shall be the final order. After the five (5) day period in which the tree is to be removed and/or other remedial action is to be taken, each day that the infected tree has not been removed and/or other remedial action has not been taken shall be a separate violation.

(h) Nothing in this Chapter shall be construed to prohibit any property owner from requesting in writing an inspection and/or a permit for removal of any tree or trees within the public right-of-way.

(No. 9-3-95, 9-18-95)

**Cross reference(s)**--Fine for violation of this section, § 6-3(b)(9).

**Secs. 10-25, 10-26. Reserved.]**

## ARTICLE V[I]. ENFORCEMENT

### Sec. 10-27. Notice to abate prohibited conditions.

Whenever any condition prohibited by this chapter shall be found to exist within the Village, the Village Manager or **[**his**]<u>the Manager's</u>** designee shall give notice to the owner or occupant of the premises or the person responsible for such condition to abate such condition within such reasonable time as may be specified in such notice.

### Sec. 10-28. Abatement of prohibited conditions by the Village.

If any person shall fail or refuse to abate any condition prohibited by this chapter after receipt of notice pursuant to section 10-**[28]**<u>**27**</u>, such condition may be abated by the Village at the expense of the person named in such notice. Abatement by the Village shall not prohibit the prosecution of the person responsible for the condition abated.

**Sec. 10-29. Penalties.**

Violations of this chapter are declared to be municipal infractions and enforceable pursuant to the provisions of Chapter<u>s</u> 5 <u>**and 6**</u>. The maximum penalty for each initial and repeat violation shall be established by the Board of Managers.

* * *

SECTION 2.

AND BE IT FURTHER ORDAINED AND ORDERED, this _____ day of _____, 2011, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by Article 23A and the Natural Resources Article of the Maryland Code and Section 77-14 of the Village Charter, that Chapter 17 of the Village Code is hereby amended to add a new section 17-10 to read as follows:

* * *

**Sec. 17-10. Control of Dutch elm disease.**

(a) The Village Manager is hereby authorized to inspect any tree within the Village, which, according to the Village Manager's knowledge, information or belief, is or may be infected with the Dutch elm disease or elm blight. If upon such inspection the Village Manager determines that any such tree is infected with either of said diseases, the Village Manager shall, if the tree is in or on a public street or other public place within the Village, remove the same in such manner as to prevent as fully as possible the spread of such disease.

(b) If a tree is infected with Dutch elm disease or elm blight and is located on private property, the Village Manager may serve upon the owner of such property a written notice, in the manner hereinafter provided, that such tree is so affected by the disease and that the owners shall cause the same to be removed and/or take other remedial action in accordance with the notice, or to appear before the Village Manager to show cause why the Village should not remove such tree or trees and/or take other remedial action at the owner's expense. Upon failure of the owner to comply with the provisions of the notice, the Village Manager may cause the tree or trees described in such notice to be removed and/or take other remedial action. If said owner shall appear before the Village Manager pursuant to such notice, the Village Manager may thereafter withdraw the Village Manager's original directive or may issue a final order directing such person to remove said tree or trees and/or take other remedial action within five (5) days from the issuance of such order. Upon failure of any person to comply with such final order, the Village Manager may cause the tree or trees described in such order to be removed and/or take other remedial action.

(c) Any person who feels aggrieved by any final order issued by the Village Manager pursuant to the provisions of this section may, within five (5) days after issuance of such order, petition the board of managers, in writing, for a hearing. After receipt of such petition, the board of managers shall, after due notice to all interested parties, hold such a hearing, after which it may affirm, modify or reverse the order of the Village Manager. No enforcement action shall be taken, nor shall any tree or trees be removed by the Village Manager in any instance during the period within which an appeal to the Board of Managers may be taken or pending final action by the Board of Managers if a hearing is requested as provided above.

(d) All orders and notices issued by the Board of Managers or the Village Manager pursuant to the authority of this section shall be served on the person to whom they are directed either by certified mail or by personal delivery to such person. Service on nonresidents and persons who cannot be found in the Village may be made by publication of such order or notice once in a newspaper of general circulation in the Village and by posting the same on the tree or trees concerned in a conspicuous manner. Service shall be deemed to have been made on the day of such mailing, publication, or posting.

(e) If the Village Manager finds it impossible to determine with certainty the existence of either of the aforementioned diseases in any tree or trees inspected by the Village Manager as aforesaid, the Village Manager may take a specimen or specimens from any such tree, which shall be forwarded for examination, diagnosis and report, and the action of the Village Manager shall await and be based upon the report received from such examination and diagnosis.

(f) Whenever it shall be necessary for the Village Manager to provide for the removal of any tree and/or other remedial action under the procedures herein prescribed, the cost thereof shall constitute a debt owed by the property owner to the Village and shall be collected as are other debts.

(g) Any person who fails to remove a tree infected with Dutch elm disease or elm blight and/ or take other remedial action within five (5) days after having been served with a final order to remove such tree and/or take other remedial action shall be guilty of a municipal infraction and shall be subject to such prosecution and penalties as are provided in Chapters 5 and 6 of this Code. For the purposes of this subsection, a final order is an order to remove a tree and/or take other remedial action issued by the Village Manager, unless said order is timely appealed, in which case the Board of Manager's decision on such appeal shall be the final order. After the five (5) day period in which the tree is to be removed and/or other remedial action is to be taken, each day that the infected tree has not been removed and/or other remedial action has not been taken shall be a separate violation.

(h) Nothing in this Chapter shall be construed to prohibit any property owner from requesting in writing an inspection and/or a permit for removal of any tree or trees within the public right-of-way.

(No. 9-3-95, 9-18-95; **No. 5- -11, 5-16-11**)

**Cross reference(s)**--Fine for violation of this section, § 6-3[(b)(9)]**(b.2)(5)**.

SECTION 3.

AND BE IT FURTHER ORDAINED AND ORDERED, this _____ day of _____, 2011, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by Article 23A, Sections 2 and 3 of the Maryland Code and Section 77-14 of the Village Charter, that Chapter 6, Section 6-3(b) is hereby amended to read as follows:

* * *

(b) *Health and sanitation (Chapter 10).*

| | | |
|---|---|---|
| (1) | Section 10-6[(d)], [garbage containers] **regular collection of household garbage, trash and recyclable material** ..... | $15.00 |
| (2) | Section 10-10, accumulation of refuse**, construction rubble or household hazardous waste**..... | 50.00 |
| (3) | Section 10-11, **placement of** refuse**, construction rubble or** | |

| | | |
|---|---|---|
| | **household hazardous waste** on public or private property **prohibited** | 50.00 |
| (4) | Section 10-12, restrictions on use of public trash receptacles ..... | 50.00 |
| (5) | Section 10-13, advertisements**[**,**]and** handbills**[**, etc.**]** ..... | 50.00 |
| (6) | Section 10-14, liquids and gases ..... | 100.00 |
| (7) | Section 10-15, use of poison ..... | 100.00 |
| (8) | **Section 10-16, household hazardous waste disposal .....** | **100.00** |
| ([8] 9) | Section 10-**[**16**]17**, maximum height of grass and weeds ..... | 25.00 |

* * *

SECTION 4.

AND BE IT FURTHER ORDAINED AND ORDERED, this _____ day of _____, 2011, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by Article 23A, Sections 2 and 3 of the Maryland Code and Section 77-14 of the Village Charter, that Chapter 6, Section 6-3(b.2) is hereby amended to add a new sub-section 6-3(b.2)(5) read as follows:

(b.2) *Urban forest (Chapter 17) fines:*

| | | |
|---|---|---|
| (1) | Section 17-2, tree permit requirement (private property) ..... | 1,000.00 |
| (2) | Section 17-7, tree permit requirement (public right-of-way trees, at least twenty-four (24) inches in circumference at four and one-half (4 1/2) feet above ground level) ..... | 1,000.00 |
| (3) | Section 17-7, tree permit requirement (public right-of-way trees, less than twenty-four (24) inches in circumference) ..... | 200.00 |
| (4) | Section 17-9(c), removal of posted notice ..... | 100.00 |
| **(5)** | **Section 17-10, control of dutch elm disease .....** | **1,000.00** |

* * *

SECTION 5.

AND BE IT FURTHER ORDAINED AND ORDERED, this _____ day of _____, 2011, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by Article 23A of the Maryland Code and Section 77-14 of the Village Charter, that:

(1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This ordinance shall take effect on the _____ day of _____, 2011, provided the same is posted at the Village Office for fourteen (14) days prior thereto.

CHEVY CHASE VILLAGE

_____
David L. Winstead, Chairman
Board of Managers
Chevy Chase Village

ATTEST:

_____
, Secretary

**Bold and Underline** indicates new material
**[Bold brackets]** indicates material deleted
* * * indicates material unchanged