

## CHEVY CHASE VILLAGE CHARTER

### Section 77-1. Area Incorporated.

The inhabitants of sections 1, 2, part of 1(a), 6, and 7 of the Village of Chevy Chase, Montgomery County, Maryland, are hereby constituted a body corporate and specifically a town as that term is used in the laws of the State of Maryland, by the name of "Chevy Chase Village," with all the powers and privileges of a body politic and corporate, and by that name may have perpetual succession, sue and be sued, plead and be impleaded in any court of law or equity, may have the use of a common seal, and hold real, personal and mixed property when the best interests of the town so demand. The repealing of the former section 74 of the 1947 Edition of the Code of Public Local Laws of Montgomery County, and the enactment of this new section shall not be construed as terminating the existence of the corporation known as "Chevy Chase Village" but shall be construed as continuing the existence of the corporation known as Chevy Chase Village. (Mont. Co. Code 1965, Sec. 52-1; 1914, ch. 610, Sec. 1; 1947, ch. 812, Sec. 76; 1951, ch. 251, Sec. 1; Res., 8-29-72.)

### Section 77-2. Boundaries Prescribed.

The corporate limits of Chevy Chase Village shall be as follows:

Beginning for the same at the intersection of the center line of Bradley Lane with the west side of Connecticut Avenue and proceeding in an easterly direction with the center line of Bradley Lane to its point of intersection with the center line of Brookeville Road, thence in a southerly direction along the center line of Brookeville Road to a point opposite a stone marker located where the N 54° 21' 34" W 329.84 feet line of the former Section No. 6, Chevy Chase, Maryland intersects the southeastern boundary of Brookeville Road, thence S 54° 21' 34" E 329.84 feet (resurveyed) to a stone marker (as shown on the plat of Section No. 6, Chevy Chase, recorded among the Land Records of Montgomery County, Maryland at Plat Book 3, Plat 258), thence 639.46 feet along a line S 49° 59' 13" E to the point where the northeast boundary of the second lot north of Primrose Street fronting on Western Avenue intersects with the northwesterly boundary of Western Avenue, thence southwest along the northwestern boundary of Western Avenue for a distance of 928.99 feet, more or less, to the District of Columbia and Maryland marker stone located at the intersection of the northeast boundary of Broadbranch Road and the northwestern boundary of Western Avenue (as shown on the plat of Section No. 7, Chevy Chase, recorded among the Land Records of Montgomery County, Maryland at Plat Book 3, Plat 259), thence in a westerly direction along the boundary line of the State of Maryland with the District of Columbia to its point of intersection with the center line of Kirkside Drive, thence in a northerly direction with the center line of said Kirkside Drive to its point of intersection with the south line of Grove Street, thence in a westerly direction with the south line of Grove Street 225 feet to the common dividing line of Lots 24 and 25, Block 5 as shown on a plat of subdivision entitled "SECTION 1-A, CHEVY CHASE" as recorded in Plat Book 4 at Plat 349, thence with said common dividing line and the common dividing line of Lots 3 and 4 in a southeasterly direction for a distance of 275 feet to the northwesterly line of Western Avenue, thence in a southwesterly direction with the northwesterly line of Western Avenue for a distance of 300 feet to the common dividing line of Lots 8 and 9, Block 5, thence with said common dividing line and the common dividing line of Lots 19 and 20, Block 5 in a northwesterly direction for 275 feet to the southeasterly line of Grove Street, thence in a southwesterly direction along the southeasterly line of Grove Street for a distance of 336.86 feet direction to its point of intersection with the west line of Belmont Avenue, thence in a northerly direction with the west line of Belmont Avenue to its point of intersection with the south line of Montgomery Street, thence in a westerly direction with the south line of Montgomery Street to its point of intersection with the East line of Wisconsin Avenue, thence in a northerly direction along the East line of Wisconsin Avenue to its point of intersection with the center line of Oliver Street, thence in a northerly direction with the east side of Wisconsin Avenue to its point of intersection with the southwest corner of the Chevy Chase Club property, thence in an easterly and northerly direction along the outlines of said Chevy Chase Club property to its point of intersection with the south side of said Bradley Lane and the west side of said Connecticut Avenue, thence in a northerly direction with the west side of said Connecticut Avenue to the place of beginning. (Mont. Co. Code 1965, Sec. 52-2; 1947, ch. 812, Sec. 77; 1951, ch. 251, Sec. 1; Res., 8-29-72.) (See note (6).) (Chevy Chase Village Charter Amend. 11-01-07, 12-10-07.)

### Section 77-3. Definitions.

For the purpose of this Act [Charter], the following terms, wherever they appear in the Act [Charter] shall have the meanings stipulated in this section:

Chevy Chase Village or Village shall mean the municipal corporation or town of Chevy Chase Village herein created.

Corporate area shall mean the Municipal Corporation or town of Chevy Chase Village herein created.

Town shall mean the Municipal Corporation or town of Chevy Chase Village herein created.

Board shall mean the Board of Managers of Chevy Chase Village, the governing body hereinafter created to administer authority and to carry out the duties as set forth in this Act [Charter].

Chairman shall mean the Chairman of the Board of Managers of Chevy Chase Village, selected from the members of the Board of Managers as hereinafter set forth.

Vice Chairman shall mean the Vice Chairman of the Board of Managers of Chevy Chase Village, selected from the members of the Board of Managers as hereinafter set forth.

Secretary shall mean the Secretary of the Board of managers of Chevy Chase Village, selected from the members of the Board of Managers as hereinafter set forth.

Treasurer shall mean the Treasurer of the Board of Managers of Chevy Chase Village, selected from the members of the Board of Managers as hereinafter set forth.

County shall mean Montgomery County, Maryland. County Council shall mean the County Council of Montgomery County, Maryland, or any officer succeeding to the functions and duties of said office.

Director of Finance shall mean the Director of Finance of the Department of Finance of Montgomery County, Maryland, or any officer succeeding to the functions and duties of said office.

Qualified voter or voters shall mean a person who is a registered and qualified voter of the State of Maryland and has resided within the corporate limits of Chevy Chase Village for thirty days next preceding the date of the election. (Mont. Co. Code 1965, Sec. 52-3; 1947, ch. 812, Sec. 78; 1951, ch. 251, Sec. 1; Reso. No. 1-74.)

#### **Section 77-4. Board of Managers, Officers, Duties and Surety Bond.**

(a) There is hereby established a Board of Managers for Chevy Chase Village to administer the affairs, to fulfill the obligations and to carry out the responsibilities of the corporate area, all as provided in this Act [Charter]. The Board of Managers shall consist of seven (7) members. Members of the Board of Managers shall be registered, qualified voters of the State of Maryland who shall have resided within the corporate area for at least six months preceding their election and who shall be elected for such terms as hereinafter provided.

(b) The Board of Managers shall elect from among its members the following officers:

A Chairman—whose duties shall be to preside at the meetings of the Board of Managers and at the annual and special meetings of the said Chevy Chase Village, to call special meetings of the said Chevy Chase Village and to act generally as the chief executive officer of Chevy Chase Village.

A Vice Chairman—whose duties shall be to act in the place of the Chairman during his absence or incapacity.

In the event of the incapacity or absence of both the Chairman and Vice Chairman, the Board of Managers shall appoint a Temporary Chairman to act in the place of the Chairman.

A Secretary—who shall be the custodian of all records, correspondence and other documents of Chevy Chase Village and who shall take the minutes of all meetings of the Board of Managers and who shall otherwise perform the duties of a Secretary.

A Treasurer—who shall act as custodian of all funds which are received to the credit of Chevy Chase Village and who shall deposit all such funds in such investments as are authorized for municipalities by State law and which are permitted by an investment policy to be adopted by the board of managers and who shall pay out such funds only in accordance with this Act [Charter] as instructed by the Board of Managers, by check duly signed by him as Treasurer and countersigned by the Chairman or Vice Chairman. He shall keep such accounts and books as directed by the Board of Managers and shall make all necessary reports required of him by the Board of Managers under this Act [Charter] and by the laws of the State of Maryland. The Treasurer of Chevy Chase Village shall give bond, with corporate surety to be approved by the Board of managers, in such amount as the Board of Managers shall determine, conditioned upon the faithful accounting by him for all moneys which shall pass through his hands as Treasurer and the payment over to his successor of all such moneys as remain in his hands upon the termination of his tenure of office. The premium on the bond shall be paid by Chevy Chase Village.

An Assistant Treasurer—who shall act in the place of the Treasurer during the Treasurer's absence or incapacity and who shall be bonded in the same manner as the Treasurer.

(c) All checks shall be signed by any two of the following officers: Chairman, Vice-Chairman, Treasurer and Assistant Treasurer. All electronic transfers or expenditures of Village funds shall require the authorization of two of the aforesaid officers.

(d) The Board of Managers shall meet not less than once each month at times and places of its choosing to transact such business as may properly come before it. Four members of the Board shall constitute a quorum for the transaction of business; provided, however, that all actions involving the election of members to the Board to fill a vacancy occurring between annual elections, the certifying of tax rates, expenditures of Village funds, except for the payment of current bills, or the levying of special assessments on property for assessable improvements shall require the affirmative vote of at least four members of the Board of Managers. (Failure of the Board to meet as herein prescribed shall not work a forfeiture of this Act [Charter], and meetings not held in due time may be held as soon thereafter as practicable.) (Mont. Co. Code 1965, Sec. 52-4; 1947, ch. 812, Sec. 79; 1951, ch. 251, Sec. 1; 1953, ch. 146, Sec. 1; Chevy Chase Village Charter Amend. 95-1; Chevy Chase Village Charter Amend. 95-2; Chevy Chase Village Charter Amend. 95-3.)

#### **Section 77-5. Elections, Town Meeting, Qualifications, Penalties.**

There shall be an annual meeting of the qualified voters of Chevy Chase Village on the third Monday of April or such other date in April that the Board of Managers designates. The Board of Managers shall give notice of the time and place of such meeting a reasonable time prior thereto:

(a) At each Annual Meeting or on the third Saturday thereafter as hereinafter provided for, an election meeting shall be held at which Board members shall be elected for two years to succeed those whose terms are at that time expiring, and at which Board members shall be elected to fill any vacancies that may then exist, but the Board members so elected to fill such vacancies shall serve only for the remainder of the unexpired term to which they shall have been elected. All elections shall be held upon reasonable prior notice of the time and place of such meeting to all registered, qualified voters within the corporate limits of Chevy Chase Village. Only registered, qualified voters of the State of Maryland having lived within the corporate limits of Chevy Chase Village for thirty days prior to the election shall be eligible to be elected as members of the Board of Managers. Only registered, qualified voters of the State of Maryland having resided within the corporate limits of Chevy Chase Village for thirty days prior to the election shall be entitled to vote at said meeting.

(b) Following each election each newly elected Board member shall qualify by taking an oath to

support the Constitution of Maryland and the Constitution of the United States and that he or she will faithfully and diligently perform the duties of said office without favor, partiality or prejudice; and said oath shall be filed among the records of Chevy Chase Village. The oath is to be administered to the members of the Board of Managers by any officer in Montgomery County authorized by law to administer oaths.

(c) If any newly elected Board member fails to so qualify, or if any Board member shall remove his residence from the corporate limits of Chevy Chase Village, or if a vacancy shall occur by resignation, death or for any other reason, such office shall be deemed to have become vacant. Vacancies in the Board of Managers which occur before the annual election hereinbefore provided for may be filled by appointment, by a favorable vote of at least four of the remaining Board of Managers, by a registered, qualified voter of the State of Maryland having resided in Chevy Chase Village for thirty days prior to his appointment, to serve upon qualification as required by a newly elected Board member until the next regular election.

(d) At each Annual Meeting nominations to fill all vacancies on the Board of Managers shall be made and in the event there shall be no contest each nominee shall then and there be elected at such meeting. In the event of a contest, nominations will be received and voted upon in the Village Hall or such other place within the Village as the Chairman of the Board of Managers shall designate at the Annual Meeting. Said election shall be held on the third Saturday following the Annual Meeting. Voting shall be by secret ballot either by voting machine or paper ballots as the Chairman of the Board of Managers shall designate, and the polls shall remain open from 10:00 a.m. to 3:00 p.m. and shall be presided over by Judges and Clerks of election to be appointed by the Chairman of the Board. Any qualified voter, as defined above, may obtain an absentee ballot from the Village Manager and all such absentee ballots, in order to be valid, must be returned to the Village Manager prior to the time of the closing of the polls. All other rules and regulations relating to voting shall be fixed by the Board of Managers and posted at the Village Office at least one week before the day of election.

An alphabetical list of those qualified to vote shall be prepared, from a list of resident and qualified voters obtained from the Board of Election Supervisors of Montgomery County and from Village records, by the Village Manager two weeks prior to the annual meeting and posted in the Village Office and shall be accessible to all residents and it shall be the duty of the Village Manager to obtain from the County Board of Election Supervisors a list of all duly qualified voters residing in the Village as nearly as current and up to date as possible and have such list available for inspection upon request at least three weeks prior to the annual meeting.

In the event of dispute as to whether a resident is entitled to vote the judges of election shall decide the same provided the applicant will sign an affidavit of bona fide residence within the Village for at least thirty days prior to the election and is a registered and qualified voter of the State of Maryland. In the event the judges cannot agree then the eligibility of the applicant shall be determined by the Chairman of the Board of Managers which shall be final except any person aggrieved by reason of such decision may appeal to the Circuit Court for Montgomery County which shall hear and determine the same and determine who shall pay the costs of appeal.

The candidate receiving pluralities of the total number of votes cast shall be declared elected but in the event of a tie vote another election shall be held after ten days' notice, pursuant to the foregoing provisions in regard to elections.

Where the voting is by paper ballots they are to be retained and filed as part of the official records but may be destroyed by resolution of the Board of Managers after two years. Where the voting is by voting machines all voting machine shall remain locked and sealed for twenty days after the election after which time such machines may be unsealed and made available for further use.

(Penalties.) Any person who (a) fails to perform any duty required of him under the provisions of this section or any ordinances passed thereunder, (b) in any manner willfully or corruptly violates any of the

provisions of this section or any ordinances passed thereunder, or (c) willfully or corruptly does anything which will or will tend to affect fraudulently any nomination or Village election shall be deemed guilty of a misdemeanor and upon conviction of any such offenses shall be sentenced to imprisonment for not more than one year or to pay a fine not exceeding \$1,000.00 or suffer both such fine and imprisonment in the discretion of the court having jurisdiction. (Mont. Co. Code 1965, Sec. 52-5; 1947, ch. 812, Sec. 80; 1951, ch. 251, Sec. 1; First Unnumbered Res., March 2, 1965; Second Unnumbered Res., March 2, 1965; Reso. No. 2-74, 3-74, 4-74, and 5-74, 4-2-74 (See Note (5)). Chevy Chase Village Charter Amend. 96-1; Chevy Chase Village Charter Amend. 97-1; Chevy Chase Village Charter Amend. 09-2)

**Section 77-6. Budget; Annual Levy; Treasurer; Payments from County; Purpose for Which Taxes Spent.**

(a) Prior to certifying a tax rate to the County Council, the Board of Managers shall hold a public meeting to act on a proposed budget for the forthcoming fiscal year, which shall have been prepared by said Board of Managers prior to the public meeting. The Board of Managers shall give reasonable notice of the time and place of holding said meeting. The budget shall provide a comprehensive financial plan for the ensuing year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The Treasurer's Report shall contain a similar statement showing the receipts and expenditures for the past year.

(b) At or following such meeting the Board of Managers shall levy a tax on all real property in Chevy Chase Village subject to taxation at a rate approved by the Board of managers. The tax so levied shall be certified to the County Council by the Board of Managers. The County Council is hereby authorized, empowered, and directed to cause to be collected from the owners of real property in Chevy Chase Village at the time of the collection of the county levy and in the same manner as county taxes the tax so certified to the County Council by the Board of Managers.

(c) The tax so collected shall be paid over by the County Director of Finance to the Treasurer of Chevy Chase Village.

(d) The County Council shall also order and cause to be promptly paid to the Treasurer of Chevy Chase Village said Village's proportionate share of the county road tax, receipts from the racing tax fund, receipts from the tax on corporations and of all other taxes which are, or may become payable to cities, towns, areas, corporate areas or special taxing areas.

(e) All funds, which shall be received by Chevy Chase Village as its share of the county road tax, shall be used by the Board of Managers exclusively for the maintenance and repair of roads within the boundaries of Chevy Chase Village. (See note (1).)

(f) All other funds received by Chevy Chase Village accruing from the levy aforesaid, or from any other source, may be used by the Board of Managers for maintaining, repairing, and lighting the streets, roads, alleys, and sidewalks; for parking facilities, drainage, sanitation and their maintenance; improvements, including surface drainage and other sewage, so far as the same is not provided for by the Washington Suburban Sanitary Commission, for the construction of parks and sidewalks on property held in the name of Chevy Chase Village, or acquired by the Board of Managers in the public interest, or which has been dedicated to Chevy Chase Village; for the rebuilding or reconstruction of any existing improvement on any dedicated street, road or lane where the wear by vehicular or pedestrian traffic along such street, road or lane requires such rebuilding or reconstruction; for the building or rebuilding of curbs on existing improved gutters where such curbs are required to prevent damage to parking or private property from water flowing from such gutters; for paying the principal as necessary on bonds, notes, certificates of indebtedness or other evidence of indebtedness issued for any improvement authorized in this Act [Charter]; for managerial, clerical, legal

and other incidental service and expense, including the payment of the premium on all authorized bonds or evidence of indebtedness, the employer's share of a retirement or a social security system, for furnishing police and fire protection and other public services including the removal of ashes, garbage and other refuse and the disposal thereof; for the employment of a manager or superintendent of Public Service and a building inspector to enforce the requirements of all covenants for property situated in said corporate area; for enforcing such building regulations and other ordinances and regulations which said Board of Managers may prescribe for Chevy Chase Village; and for the payment of all other municipal services required for the health, safety, and welfare of Chevy Chase Village. (See note (2).)

(g) The Board of Managers may appoint a chief police officer and any necessary policemen. The chief police officer and all police officers of the Village shall act under the immediate direction of the Village Manager and subject to the supervision of the Chairman of the Board and shall perform such duties, in addition to those herein prescribed as the Chairman and the Board of Managers may direct. The said chief police officer and all other police officers of the Village shall preserve the peace, prevent disorderly or irregular meetings, and shall enforce and cause to be enforced all ordinances and regulations of the Village and all state and county laws within the corporate limits of the Village, and shall make and cause to be made all lawful arrests for and prosecute any and all violations of the ordinances and regulations of the said Village and any and all violations of any law of the State of Maryland, or of the County of Montgomery, committed within the corporate limits of said Village, and shall swear out all necessary warrants therefore. Such chief police officer and all such other police officers shall serve notices and processes required by this Act [Charter] or by any ordinance passed by virtue thereof, as directed.

"The Board of Managers may also establish and regulate a station house or lock-up for the temporary confinement of violators of the law and ordinances of the Village and the chief police officer and policemen shall have all powers generally vested in police officers in towns and villages. (Mont. Co. Code 1965, Sec. 52-6; 1947, ch. 812, Sec. 81; 1951, ch. 251, Sec. 1; Third Unnumbered Res., March 2, 1965. Chevy Chase Village Charter Amend. 97-1; 99-2; 01-1)

#### **Section 77-7. Procurement.**

All expenditures of Village funds for material, equipment or work which requires an independent contractor or supplier, shall comply with the requirements of the Village procurement ordinance. (Mont. Co. Code 1965, Sec. 52-7; 1947, ch. 812, Sec. 82; 1951, ch. 251, Sec. 1 Fourth Unnumbered Res., March 2, 1965; Reso. No. 6-74 April 1, 1974; Chevy Chase Village Charter Amend. 09-1.)

#### **Section 77-8. Special Assessments.**

Chevy Chase Village, whenever in the judgment of the Board of Managers the public health, safety or welfare requires, shall have the power to levy taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the construction or reconstruction of water mains, sewer mains, storm water sewers, sidewalks, curbs, gutters, streets, roads, lanes and alleys, and to provide for the payment of all or any part of the above projects out of the proceeds of such special assessment. The procedure for levying special assessments shall be as follows:

(a) The cost of the work and incidental expenses incurred, or to be incurred in providing the special benefits to be charged for shall be apportioned among the various properties affected according to the front foot rule.

(b) The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing in the property therefrom.

(c) When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.

(d) Before entering upon the construction or reconstruction of any work or improvement specified herein, or before any charge is levied, the Board of Managers shall by ordinance designate the location, extent and kind of work and improvement proposed to be done or made, the kind of materials to be used, the estimated cost of such improvement or work and the real property which will be specially benefited thereby and which it is proposed to assess to pay all or any part of the cost thereof, and shall fix a time and place when and where the owner or owners of the property, or their agents, or attorneys, may appear before the Board of Managers and be heard concerning the proposed special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in Chevy Chase Village. A certificate of publication and mailing copies of the notice shall be deemed compliance with the provisions of this subsection. Failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten days and not more than thirty days after the completion of publication and service of notice as herein provided. If after the hearing, the Board of Managers shall be of the opinion that the public health, safety or welfare requires the work or improvements proposed to be done or made, said Board of managers shall provide by ordinance, ratification of same and may charge the expenses therefore or any part of such expenses against the property which said Board of Managers shall find to be specially benefited thereby according to the lineal frontage of said property.

(e) Any person or persons desiring the construction of any public work authorized under the provisions of this section, may petition the Board of Managers in writing therefore; and if all the abutting property affected is represented in said petition and the petitioners agree therein to a waiver of legal requirements hereunder, the Board of Managers may direct the construction of said work without compliance with said legal requirements and may assess the costs thereof in accordance herewith as though all legal requirements have been complied with, and said construction or reconstruction and assessments are hereby declared to be legal and valid as in this section provided.

(f) Whenever a petition in writing duly signed by the owners of at least thirty percent (30%) of the front footage of all property abutting upon any such proposed public improvement shall be filed with the Board of Managers praying for the construction or reconstruction of any public improvement herein mentioned, the Board of Managers shall, after having given the notice prescribed in this section, hold a public hearing upon the matter of such petition, and shall as soon thereafter as may be convenient, render its decision thereon granting or denying the said application as in its judgment the public health, safety or welfare may require; provided, however, that in case the Board of Managers shall grant such petition, it shall thereupon proceed in all respects in the manner and in the form provided in this section.

(g) Any interested person feeling aggrieved by the ratification of any special assessment under the provisions of this section shall have the right to appeal to the Circuit Court of Montgomery County within ten days after the final notice of ratification of any assessment by the Board of Managers.

(h) A Special Assessment may be made payable in annual or more frequent installments over such a period of time, not to exceed ten (10) years, as the Board of Managers may decide. Interest on installments shall be added in accordance with the plan in effect for Montgomery County.

(i) All special assessments levied by the Board of Managers shall be certified by the Board of Managers to the County Council of Montgomery County for collection. The County Council is hereby authorized, empowered, and directed to have these special assessments so certified collected in the same manner as are county taxes. Each installment shall become a lien against the abutting property and any such installment not paid within six months following its becoming due shall be subject to the same interest and penalties and shall be collected in the same manner as provided for the collection of unpaid county taxes in Montgomery County.

All such special assessments collected shall be paid over by the county to the Treasurer of Chevy Chase Village who shall devote such funds to the exclusive purpose of paying for the improvements herein provided for or any indebtedness which may be incurred therefore.

(j) To carry out the provisions of this section the said Board of Managers is hereby given power and authority to borrow such sums from time to time as may be needed to make such improvements, including the proportionate share thereof, if any, to be assessed against Chevy Chase Village in accordance with this section, and to issue certificates of indebtedness as evidence thereof. All sums so borrowed shall be kept in a separate account to be known as the "Special Improvement Fund" and shall be borrowed for no longer period than shall be sufficient to collect the special assessments provided for; said certificates of indebtedness shall be full and complete general obligations of Chevy Chase Village and shall be payable first from the special assessments, levied under the provisions of this section; and in the event of any deficiency occurring in the amount received from said special assessment, the Board of Managers shall make up such deficiency from the proceeds of ad valorem taxes which the Board of Managers is hereby authorized and empowered to levy upon all property within the present or future corporate limits of Chevy Chase Village subject to assessment for full municipal taxation, which taxes said Chevy Chase Village is authorized and empowered to levy in an amount sufficient to meet such deficiency but without any limitation as to such rate or amount notwithstanding any other statutory limitation upon the power of said Chevy Chase Village to levy taxes. Certificates indebtedness herein authorized may be issued at the discretion of the Board of Managers and without being submitted to a vote of the taxpayers or qualified voters. Such certificates of indebtedness are hereby specifically exempted from the provisions of Sections 33, 34, 35 and 36 of Article 31 of the Code of Public General Laws of Maryland (1939 Edition and 1947 Supplement thereto) and may be sold at public or private sale as the Board of Managers may determine from time to time, may be issued on a maturity schedule which shall conform to the period of time provided for the payment of said special improvements in accordance with the laying of said special assessments as above provided, may bear interest at such rate or rates as the Board of Managers shall determine, not exceeding, however, six per centum (6%) per annum, and said certificates of indebtedness and the interest payable thereon in the hands of the owner or owners thereof from time to time shall be exempt from state, county and municipal taxation of any kind or nature whatsoever in the State of Maryland. (Mont. Co. Code 1965, Sec. 52-8; 1947, ch. 812, Sec. 82; 1951, ch. 251, Sec. 1.) (See notes (3) and (4).)

#### **Section 77-8A. Power of Condemnation and Disposition.**

The Board shall have power to acquire by purchase or condemnation real or leasehold property needed for any public purpose and to erect buildings thereon for the benefit of the Village and to sell at public or private sale any real or leasehold property belonging to the Village when no longer needed for public use, but no property shall be sold until such sale has been advertised in a newspaper of general circulation in the area once a week for at least three weeks prior to the date of sale, the last said advertisement to be not less than one week or more than three weeks before the date of sale.

Whenever the Board of Managers shall by ordinance provide for establishing a public work and it becomes necessary to take private property for such public use, just compensation shall be paid to the owner or owners thereof which shall be ascertained in accordance with the procedure in such case made and provided under Article 33A of the Maryland Code (1957), as amended. (Fifth unnumbered Res., March 2, 1965.)

#### **Section 77-9. General Borrowing Power.**

The Board of Managers of Chevy Chase Village is hereby authorized and empowered to borrow such sums of money as, in its opinion, may be necessary from time to time for any municipal purpose whatever, to evidence such borrowing by the issuance of its general obligation bonds (the term bonds as used herein shall include bonds, notes, certificates of indebtedness, or other obligation for the payment of money), and, notwithstanding any other statutory limitations, to provide for the levy and collection of all taxes necessary and sufficient for the payment of the principal and interest on said bonds, as the same respectively mature and are payable or necessary for the payment of such interest and to create a sinking fund for the payment of said

bonds upon maturity.

No funds may be borrowed hereunder unless the borrowing is duly authorized by the Board of Managers and submitted to and approved in a referendum of the duly qualified voters of Chevy Chase Village, as the same are described in Section 77-5 hereof. The borrowing shall be initiated by the Board of Managers adopting a resolution authorizing the borrowing of the proposed sum or a lesser sum, and stating the purposes for which such funds are to be spent. The resolution authorizing the proposed borrowing shall then be submitted to a referendum of the duly qualified voters who shall be given notice of the referendum at least ten (10) days prior thereto. The notice of the referendum shall (1) state the reasons for the proposed borrowing, (2) contain the full text of the resolution authoring the proposed borrowing or give a summary thereof and state where a full copy may be examined, and (3) state the time, date and place of the referendum at which the proposed borrowing is to be voted upon. The borrowing shall be approved only if a majority of the duly qualified voters voting on the issue in the referendum shall vote in favor of the proposal. Except to the extent otherwise provided herein, the referendum shall be conducted in all respects in accordance with the law governing referenda in Chevy Chase Village at the time of the referendum. The ballots used in any such referendum shall contain the words "For borrowing for ....." And "Against borrowing for ....." In the above blank spaces there shall be indicated the purposes of the borrowing to be voted on and a space shall be left after each line for voters to indicate their respective preferences. In the resolution authorizing the borrowing or in a resolution adopted subsequent to said referendum, the Board of Managers shall fix and determine the denominations of the bonds, the rate or rates of interest payable thereon, or the method of determining the same, the date of the issuance of said bonds, the date or dates of maturity of said bonds, and the form and tenor of said bonds in advance of the maturity. Said bonds shall be sealed with the corporate seal of Chevy Chase Village and signed by the Chairman and countersigned by the Treasurer of the Board of Managers, or by some other member of the Board of Managers designated in one of said resolutions. Said bonds shall be offered for sale by solicitation of competitive bids at public sale in accordance with the provisions of Section 10 of Article 31 of the Code of Public General Laws of Maryland (1957 Edition and any amendments thereto), except that the notice of sale provided for by said section may be published in condensed form if it shall state where a full and complete copy of said notice may be obtained; provided, however, this sentence shall not be applicable to bonds issued pursuant to Article 31, Section 29 of the Code of the Public General Laws of Maryland.

The money arising from the sale of said bonds shall be used only for the purpose specified in one of the above-mentioned resolutions, and said bonds when issued and the interest payable thereon in the hands of the persons from time to time entitled thereto shall be exempt from all State, municipal and county taxation of every kind and nature whatsoever.

This section shall apply, in all respects, to the issuance of bonds by Chevy Chase Village pursuant to Article 31, Section 29 of the Code of the Public General Laws of Maryland except as specifically provided to the contrary therein. Notwithstanding the foregoing, this section shall not apply to bonds issued pursuant to Sections 77-8, 77-10, or 77-11 hereof. (Mont. Co. Code 1965, Sec. 52-9; 1947, ch. 812, Sec. 84; 1951, ch. 251, Sec. 1; First unnumbered Res., March 2, 1965; Res., 4-28-81; Charter Amend. 01-2.)

#### **Section 77-9A. [Referenda.]**

Unless otherwise specifically provided, all referenda conducted in Chevy Chase Village, pursuant to this Act [Charter] or State law, shall be conducted in accordance with this section. All such referenda shall be conducted in all respects in accordance with the law governing elections held in Chevy Chase Village at the time of the referendum except that the Board of Managers by majority vote shall determine the date the referendum is to be conducted, which need not, but may be, the third Saturday following the annual meeting. Notwithstanding the foregoing, this section shall not apply to the provisions for submitting the Village tax rate to the qualified voters of the Village pursuant to Section 77-6 hereof. (Second Unnumbered Res., March 1, 1965; Res., 4-28-81.)

### **Section 77-10. Emergency Borrowing.**

The Board of Managers of Chevy Chase Village shall have the authority to borrow in the name of Chevy Chase Village on a short term basis not in excess of 24 months any sum or sums not to exceed in the aggregate \$200,000 any one time and to issue notes or other evidences of indebtedness for such borrowing. This money may be expended for any municipal purpose. The notes or other evidences of indebtedness shall be sold as provided by the Board of Managers. All notes or other evidences of indebtedness issued under the provisions of this section shall be paid from the taxes levied for the general purpose of Chevy Chase Village. Levying or collecting any special tax for the payment of these notes or other evidences of indebtedness is expressly prohibited. The notes or other evidences of indebtedness issued under the provisions of this section need not be submitted to a vote of the qualified voters of Chevy Chase Village. (Mont. Co. Code 1965, Sec. 52-10; 1947, ch. 812, Sec. 85; 1951, ch. 251, Sec. 1; Sixth Unnumbered Res., March 2, 1965, Chevy Chase Charter Amend. 99-2; 01-2.)

### **Section 77-11. Borrowing Power-Library Hall and Post Office Buildings**

The Board of Managers is authorized and empowered to mortgage or incur the library and post office buildings and property owned by the said Chevy Chase Village in an amount not to exceed \$50,000 at any one time, said power to so incur the aforesaid property shall be continuing; said Board of managers shall pay the interest on said loan and make curtail thereon from rentals derived from the aforesaid buildings and property and from the general tax levy. Curtails on said liens to be made at the discretion of the Board of Managers. The money obtained from such mortgages or incumbrances shall be used for maintaining, repairing and improving the property held by the said Board of Managers in the public interest of said Chevy Chase Village. The Board of Managers is further authorized and empowered in case of the destruction of the buildings on said library and post office property due to any cause not covered by insurance which shall be maintained on same, to mortgage and incur the said property for the reconstruction of said buildings in an amount sufficient for said purposes; provided however, that prior to the placing of a mortgage or incumbrance for the said reconstruction of the buildings necessitated by their destruction due to causes not covered in the insurance policies placed on said buildings, a referendum meeting is held of all qualified voters after reasonable notice thereof and a vote of the majority of the qualified voters present and voting authorizes the placing of an incumbrance or mortgage on said library and post office property for the purpose of reconstruction as aforesaid. (Mont. Co. Code 1965, Sec. 52-11; 1947, ch. 812, Sec. 86; 1951, ch. 251, Sec. 1; Seventh Unnumbered Res., March 2, 1965.)

### **Section 77-12. Authority to Contract with Chevy Chase Club.**

The Board of Managers of Chevy Chase Village shall have the authority to enter into a contract in writing with the Chevy Chase Club, a corporation organized under the laws of the District of Columbia, for the renewal or extension of an existing contract entered into in compliance with the provisions of Section 9 of Chapter 610 of the Acts of the General Assembly of Maryland of 1914, said renewal or extension agreement to provide for the payment by said club of the sum of Two Thousand Dollars (\$2,000.00) annually for an additional period of ten (10) years to date from December 31, 1947, in consideration of the use and enjoyment of the streets, roadways and public service of said Chevy Chase Village, the said sums to be used and expended by said Board of Managers for the purposes authorized in said existing contract. Upon the expiration of said contract the Board of Managers shall have the authority to enter into a further contract with the Chevy Chase Club for the purpose authorized in said existing contract or other municipal purposes on such terms and for such period of not over ten (10) years as may be deemed advisable; provided, that the annual payment under said contract shall not be less than \$2,000.00. (Mont. Co. Code 1965, Sec. 52-12; 1947, ch. 812, Sec. 87; 1951, ch. 251, Sec. 1.)

### **Section 77-13. Power to Enter Retirement or Social Security System.**

Chevy Chase Village is authorized and empowered, if in the judgment of the Board of Managers it is in the best interest of the Village, to affiliate with the Employees Retirement System of the State of Maryland or the Federal Social Security System, when the necessary legislation is passed permitting cities, towns or municipal corporations to affiliate with the Federal Social Security System, and the Board of Managers is authorized and empowered to pay the employer's proportionate share of the said Employees Retirement System or Federal Social Security System from the general tax funds of Chevy Chase Village. (Mont. Co. Code 1965, Sec. 52-13; 1947, ch. 812, Sec. 88; 1951, ch. 251, Sec. 1.)

### **Section 77-14. Power to Adopt Ordinances and Enforce Same.**

(a) The Board of Managers shall have the power to pass all ordinances not contrary to the Constitution and laws of the State of Maryland or this Act [Charter] 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 securing persons and property from violence, danger or destruction; for the suppression and abatement of all nuisances.

By way of enumeration and not limitation, the Board of Managers may adopt such ordinances as it deems necessary with respect to dumping of garbage, sanitation, erection of buildings, tearing up of streets and sidewalks, speed and other motor vehicle regulations, care of property, removal of snow and ice, and other police and health regulations. The Board of Managers may provide such penalties as it deems proper for the violation thereof and all ordinances shall be enforced by or through the Board of Managers. All ordinances when passed by the Board of Managers shall be posted on a bulletin board at the Village office at 5906 Connecticut Avenue for at least two weeks after being passed by the Board of Managers (unless they be emergency ordinances) and thereafter shall be in full force and effect until repealed by said Board of managers and shall be permanently filed in the Village office and shall be available for public inspection at any reasonable time.

(b) The Board of Managers is also empowered to provide reasonable and proper penalties for violations of the ordinances governing Chevy chase Village; and the Board of Managers may, in addition, enforce such ordinances by criminal prosecution, bring suit in the Circuit Court of Montgomery County, or in any other court deemed to have jurisdiction, in the name of Chevy Chase Village, to obtain a decree, order or judgment of that court, compel by injunction, or otherwise, compliance by any person or persons with such ordinance or ordinances.

(c) Any trial magistrate in Montgomery County shall have the jurisdiction to try any criminal case with respect to the violations of such ordinances, and to impose the penalty prescribed by the Board of Managers. The prosecution of violators of such ordinances shall be conducted in the same manner as violators of county ordinances are prosecuted and the State's attorney or his assistants shall have the power and the duty to prosecute any violators of said ordinances. The sheriff, his deputy, the state or county police, and Village trial magistrate having jurisdiction in connection with said ordinance or ordinances, or with the punishment of persons violating them. (Mont. Co. Code 1965, Sec. 52-14; 1951, ch. 251, Sec. 1, Third and Eighth Unnumbered Res., March 2, 1965.)

### **Section 77-15. Succession Clause**

Chevy Chase Village is hereby declared to be the legal successor of Chevy Chase Village, the Chevy Chase Village Board of Managers and the Chevy Chase Citizens Committee, Sections 1, 2, and part of 1-a, and shall be entitled to, and is hereby invested with all the property and rights thereunder whatsoever belonging to those said bodies. All proceedings now being in the name of those said bodies shall be continued and shall remain unaffected by the passage of the Act [Charter].

The members of the Board of Managers holding office at the date of the Act [Charter] shall hold their office as the members of the Board of Managers of Chevy Chase Village until their successors are elected, or appointed, and qualified as hereinbefore provided.

All ordinances, regulations and resolutions in force and not inconsistent with the provisions of this Act [Charter] shall remain in force until altered or replaced.

No provision of this Act [Charter] shall affect any right, lien or liability subsisting at the date of its passage. (Mont. Co. Code 1965, Sec. 52-15; 1951, ch. 251, Sec. 1.)

#### **Section 77-16. Repeal of old Chevy Chase Act [Charter] in Reference to Special Taxing Areas.**

Sections 61 to 64, inclusive, of the Code of Public Local Laws of Montgomery County, 1947 edition, insofar as they apply to Chevy Chase Village or any section of Chevy Chase included within the boundaries of said Chevy Chase Village or set forth in this chapter are hereby repealed. (Mont. Co. Code 1965, Sec. 52-16; 1951, ch. 251, Sec. 1.)

#### **Section 77-17. Saving Clause.**

If any clause, sentence paragraph, or part of this Act [Charter] shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such adjustment shall not affect, impair or invalidate the remainder of this Act [Charter], but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (Mont. Co. Code 1965, Sec. 52-17; 1951, ch. 251, Sec. 1.)

#### **NOTES**

(1) This subsection relates only to the repair and maintenance of roads already built. *Hillyard v. Chevy Chase Village*, 215 Md. 243, 137 A.2d 555 (1958).

(2) This subsection applies to the rebuilding or reconstruction of roads already constructed. *Hillyard v. Chevy Chase Village*, 215 Md. 243, 137 A.2d 555 (1958).

(3) The use of the term "whenever in the judgment of the Board of Managers" in this section clearly shows that the matter of constructing a new road lies within the sound discretion of the Board of Managers and mandamus will not lie to compel the construction of a road. *Hillyard v. Chevy Chase Village*, 215 Md. 243, 137 A.2d 555(1958).

(4) See now, Anno. Code of Md., 1957, art. 31, Sec.Sec. 8 to 12.

(5) Section 77-5 (former Section 78) was reprinted in September, 1992 in order to reflect accurately the changes that were made in 1974 by Resolutions 2-74, 3-74, 4-74, and 5-74. These resolutions were adopted on February 11, 1974 and became effective 50 days later on April 2, 1974. Printing errors which failed to include all of these changes in 1983 and 1991 were corrected by this reprint.

(6) The changes of Sections 77-1 and 77-2 are made pursuant to Chapter 3, Sec. 25 of the Acts of General Assembly of 1994, which validates the 1972 annexation of Sections 6 and 7 by Chevy Chase Village. The Board of managers of Chevy Chase Village passed one resolution to annex Sections 6 and 7, effective April 27, 1972, and another resolution to amend the charter to reflect the annexation, effective, August 29, 1972.

(7) The entire Charter of Chevy Chase Village was reprinted in 1995 to reflect charter amendments that were adopted by the Board of Managers of the Village in 1965. The reprinting was made pursuant to 80 Opinions of the Attorney General (1995).