

CODE

Chapter 1 GENERAL PROVISIONS

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Sec. 1-1. How Code designated and cited.

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

Sec. 1-2. Definitions.

In the construction of this Code and of all other ordinances of the Village, the following definitions shall apply:

- (a) *Bond.* When a bond is required, an undertaking in writing shall be sufficient, if it obligates a surety acceptable to the Village.
- (b) *Board of Managers.* The words "the Board of Managers," "the Village Board" or "the Board" shall mean the Board of Managers of Chevy Chase Village.
- (c) *County.* The words "Montgomery County," "the County" or "this County" shall refer to Montgomery County, Maryland.
- (d) *Gender.* Words importing one gender shall include and apply to the other gender and, where such construction is reasonable, to business or other entities.
- (e) *Merchant.* A merchant is any individual, proprietor, partnership, corporation, firm,

cooperative association or any other group of individuals, however organized, whether acting for themselves or through a servant, agent or employee, who offers or makes available to consumers, either directly or indirectly, real estate, merchandise, goods, services or credit.

- (f) *Number.* Words in the singular include the plural and the plural includes the singular except where such construction would be unreasonable.
- (g) *Oath.* The word "oath" shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- (h) *Owner.* The "owner" shall include any part owner, joint owner, tenant in common, joint tenants or tenant by the entirety, of the whole or part.
- (i) *Person.* The word "person" shall include an individual, a corporation, company, partnership, association, society or other entity as well as a natural person.
- (j) *Preceding, following.* The words "preceding" and "following" shall mean next before and next after, respectively.
- (k) *Property.* The word "property" shall include real and personal property.
- (l) *Sidewalk.* The word "sidewalk" shall mean that portion of a street between the lateral curblines or in the absence of curbs, the lateral boundary lines of a street and the adjacent property lines intended for the use of pedestrians.
- (m) *Signature or subscription.* Signature or subscription includes a mark when the person cannot write, his name being written near it and witnessed by a person who writes his own name as witness.
- (n) *State.* The words "the state" or "this state" shall be construed to mean the State of Maryland.
- (o) *Street.* The word "street" shall include any public ways, roads, highways, avenues, alleys and lanes within the Village, including sidewalks.
- (p) *Tenant, occupant.* The words "tenant" and "occupant," where applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.
- (q) *Tense.* Words used in the past or present tense include the future as well as the past and present.
- (r) *Village.* The words "the Village" or "this Village" shall mean Chevy Chase Village, Maryland.
- (s) *Village Manager.* The words "Village Manager" shall mean the chief administrative officer of the Village appointed by the Board of Managers.
- (t) *Writing.* The word "writing" shall include printing.

Sec. 1-3. Rules of construction.

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: (1) it is a Sunday or a legal holiday in which event the period runs until the end of the next day, which is neither a Sunday nor a legal holiday; or (2) the act to be done is the filing of some paper with the Village, and the Village office on such last day of the period is not open, or is closed for a part of a day in which event, the period runs until the end of the next day which is neither a Sunday, Saturday, a legal holiday, nor a day on which such office is not open the entire day during ordinary business hours. When the period of time allowed is more than seven (7) days, intermediate Sundays and legal holidays shall be considered as other days; but if the period of time allowed is seven (7) days or less, intermediate Sundays, Saturdays and legal holidays shall not be counted in computing the period of time.

Sec. 1-4. Effect of repeal of ordinances.

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

Sec. 1-5. Provisions deemed continuations of existing ordinances.

The provisions appearing in this Code, as far as they are the same in substance as those provisions of ordinances existing at the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

Sec. 1-6. Severability of parts of Code.

It is hereby declared to be the intention of the Board of Managers 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 the valid 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 Board of Managers without the incorporation in this Code of any such unconstitutional or invalid word, clause, sentence, paragraph or section.

Sec. 1-7. General penalty; continuing violations; municipal infractions excluded.

Whenever in this Code, any ordinance, resolution, rule, regulation or order of the Village promulgated by the Village or any officer or agency of the Village, any act is prohibited, made or declared to be unlawful or to be a misdemeanor, or the doing of any act is required or the failure to do any act is declared to be unlawful, an offense, or a misdemeanor, where no specific penalty is provided therefor and the violation or offense has not been designated as a municipal infraction, such violation shall be a misdemeanor. Misdemeanors as described above shall be punishable by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by both fine and imprisonment in the discretion of the court. Each day any misdemeanor shall continue shall constitute a separate offense.

Violations of any provision of this Code or any ordinance of this Village or any other offense designated as a municipal infraction shall be excluded from the application of this section and shall be subject to the provisions of Chapter 5 of this Code.

Cross reference(s)--Municipal infractions, Ch. 5; penalties, fees and fines, Ch. 6.

Sec. 1-8. Citation in lieu of arrest.

Whenever a police officer or other authorized employee of the Village shall have reasonable cause to believe that a person has violated a provision of this Code, he may, in lieu of causing such person to be arrested, issue to such person a "citation," which citation, in addition to such factors as shall be required by such form of notice as may be approved by the Village Manager, and by the rules of the district court for Montgomery County, Maryland, shall specify the violation with which such person is charged, and shall set forth the hour, date and location that such person is to appear before the district court for Montgomery County, Maryland, to answer such charge.

Sec. 1-9. Exemption from Montgomery County Legislation.

(a) Except as provided in this section, the Board of Managers hereby exempts Chevy Chase Village, a municipal corporation, from all legislation heretofore or hereafter enacted by Montgomery County, Maryland, relating to any subject upon which the Board of Managers of Chevy Chase Village has heretofore or is hereafter granted legislative authority either by public general law or by the Chevy Chase Village Charter.

(b) The foregoing exemption shall not repeal or prohibit any Chevy Chase Village ordinance that specifically adopts or incorporates by reference any County legislation, and such County legislation adopted or incorporated by the Chevy Chase Village Code as of the adoption of this ordinance [No. 10-03-85] or adopted or incorporated by reference into the Chevy Chase Village Code in the future shall have full force and effect to the extent provided in the Village ordinance adopting or incorporating the same.

(c) The following chapters of the Montgomery County Code, 1984, or portions thereof, enacted by Montgomery County, as they now exist and as may hereafter be amended, are exceptions to the general exemption set forth in subsection (a) above, and shall be applicable within the Village until such time as the Board of Managers shall duly exempt the Village from their application:

- (1) Chapter 1, General Provisions, shall apply within the Village only to the extent that such application is necessary to effectively implement other County laws that apply within the Village.
- (2) Chapter 2, Administration, shall apply within the Village only to the extent that such application is necessary to effectively implement other County laws that apply within the Village.
- (3) Chapter 3, Air Quality Control.
- (4) Chapter 5, Animal Control, shall apply within the Village, except to the extent that it requires the licensing of any animals other than dogs or is in conflict with any provision of the Village Code.
- (5) Chapter 5A, Arts.

- (6) Chapter 6, Auction Sales, shall apply within the Village, except to the extent that it permits activities which are prohibited by the covenants applicable to real property in the Village.
- (7) Chapter 7, Bicycles.
- (8) Chapter 8, shall apply generally, except that Chapter 8 of the Montgomery County Code shall not apply to buildings owned by Chevy Chase Village. The application of the County ordinance shall not be construed to supersede any provisions of the Village Code or covenants.
- (9) Chapter 11, Consumer Protection.
- (10) Chapter 17, Electricity.
- (11) Chapter 19, Erosion, Sediment Control and Stormwater Management
- (12) Chapter 21, Fire and Rescue Services.
- (13) Chapter 22, Fire Safety Code, shall apply generally, except that Chapter 22 of the Montgomery County Code shall not apply to buildings owned by Chevy Chase Village.
- (14) Chapter 23A, Group Residential Care Facilities
- (15) Chapter 23B, Financial Assistance to Nonprofit Service Organizations.
- (16) Section 24-9, Smoking Prohibitions and Restrictions.
- (17) Section 24-9A, Smoking in Eating and Drinking Establishments.
- (18) Chapter 26, Housing and Building Maintenance Standards
- (19) Chapter 27A, Individual Water Supply and Sewage Disposal Systems.
- (20) Chapter 30A, Montgomery County Municipal Revenue Program.
- (21) Chapter 31, Motor Vehicles and Traffic
- (22) Chapter 31B, Noise Control
- (23) Chapter 32, Offenses, Miscellaneous.
- (24) Chapter 34, Plumbing and Gas Fitting.
- (25) Chapter 35, Police.
- (26) Chapter 36, Pond, Well and Excavation Safety Standards.
- (27) Chapter 37, Public Welfare.
- (28) Chapter 38A, Radio, Television and Electrical Appliance Installation and Repair.
- (29) Chapter 40, Real Property.

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- (30) Chapter 41A, Rent Supplement and Assistance Program.
- (31) Chapter 47, Vendors
- (32) Chapter 51, Swimming Pools.
- (33) Chapter 53, Taxicabs and Limousines.
- (34) Chapter 54A, Transit Facilities.
- (35) Chapter 55, Unsafe Buildings.
- (36) Chapter 59, Zoning.

(d) Notwithstanding any of the foregoing, County legislation shall apply within the Village where:

- (1) Legislation is enacted by Montgomery County Council sitting as a Board of health for Montgomery County pursuant to state law. As of the effective date of this section, the following County legislation applies within the Village as health legislation:
 - a. Chapter 9, Cemeteries and Burials.
 - b. Chapter 10, Group Day Care Centers.
 - c. Chapter 15, Eating and Drinking Establishments.
 - d. Chapter 24, Health and Sanitation: Sections 24-1, 24-4, 24-5, 24-6, 24-7 and 24-8 of Article I; Article III, Health Systems Agency; Article IV, Mental Health; Article V, Local Alcoholism Advisory Council; and Article VI, Local Drug Abuse Advisory Council.
 - e. Chapter 25, Hospital, Sanitariums, Nursing and Care Homes.
 - f. Chapter 27A, Individual Water Supply and Sewage Disposal Systems.
 - g. Chapter 30B, Massage Establishments and Massage Technicians.
 - h. Chapter 39, Rat Control.
 - i. Chapter 44, Article III, Private Schools and Recreational Camps.
 - j. Chapter 45, Sewers, Sewage Disposal and Drainage.
 - k. Chapter 46, Slaughterhouses.
 - l. Chapter 51, Swimming Pools.
- (2) A law or regulation as enacted by Montgomery County, Maryland, involving County revenue or taxation pursuant to the provisions of Article 81 of the Annotated Code of Maryland, 1957, as amended, or legislation adopting the County budget. As of the effective date of this ordinance [No. 10-03-85] the following legislation applies within the Village as tax legislation:

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a. Chapter 52, Taxation.

(3) A law enacted by the General Assembly so provides.

(e) Montgomery County, Maryland, is hereby requested to enforce the chapters described in this subsection (d) within Chevy Chase Village as County laws to the same extent and in the same manner that such County laws are enforced in unincorporated areas of the County.

(f) Whenever County and Village legislation apply within the Village on the same subject matter, they shall be construed together in such manner as to both be effective within the Village. Notwithstanding the provisions of subsection (c) of this section whenever a conflict exists between a provision of the Village Code and a County law which applies within the Village as a County law, the Village Code provision shall supersede the conflicting County law. Nothing contained in subsection (c) shall be deemed to repeal or otherwise affect any Village ordinance.

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

(No. 06-11-85, 11-12-84; No. 10-03-85, 3-11-85; No. 09-09-87, 9-14-87; No. 04-01-89, 1-9-89; No. 30-03-90, 4-1-90; No. 1-2-96, 2-12-96; No. 01-02-02, 01-14-02; No. 01-05-02, 01-14-02; No. 10-01-02, 10-14-02; No. 10-01-04, 10-18-04.)

Sec. 1-10. Conduct at meetings.

Reasonable seating facilities shall be provided for the general public at all public meetings and hearings of the Board of Managers and at the annual meeting of Village citizens, and Chevy Chase Village residents and other members of the public having an interest in the proceedings are encouraged to attend. During such proceedings, time may be provided at the discretion of the Chairman, or upon request of a majority of Boardmembers present, for members of the public to address the Board on pertinent matters. Persons seeking to address the Board on a specific subject are encouraged to make a request prior to the Board meeting. Persons addressing the Board shall state their name, home address and whether they are speaking as individuals or on behalf of some person, organization or group that has an interest in the subject matter. If it appears to the Chairman or to a majority of Boardmembers present that under all the circumstances a written statement may be more appropriate than an oral statement, the Chairman of the Board may request that a written statement be submitted.

At all times order and decorum shall be maintained in keeping with the dignity of the governmental process. No person or group shall disturb, interfere with, disrupt or impede this process, and the Chairman and the Board shall take necessary steps required to maintain order and facilitate the progress of the meeting.

No persons shall televise, take photographs, video or sound recordings or motion pictures of any annual or Board meeting or hearing without the express consent of a majority of the Board present. Any person who, after a warning to desist, violates this provision relating to television, photographs, recordings or motion pictures, or who willfully disturbs, interferes with, disrupts or impedes Board proceedings, may be removed from the premises and shall be guilty of a misdemeanor, and shall, upon conviction thereof by any court of competent jurisdiction, be subject to a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than six (6) months, or both.

(No. 09-02-85, 2-11-85)

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