

Resolution No.: 01-01-21

Introduced: 01-11-21

Adopted: 01-11-21

Effective: 01-25-21

**BOARD OF MANAGERS**  
**FOR**  
**CHEVY CHASE VILLAGE, MD**

**SUBJECT: AN ORDINANCE TO AMEND CHAPTER 1, “GENERAL PROVISIONS”, SEC. 1-9, “EXEMPTION FROM MONTGOMERY COUNTY LEGISLATION” TO INCORPORATE BY REFERENCE IN THE VILLAGE CODE CHAPTER 33B “PESTICIDES” OF THE MONTGOMERY COUNTY CODE.**

WHEREAS, §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, authorizes the Board of Managers to adopt such ordinances as it deems necessary to assure the good government of Chevy Chase Village; to protect and preserve the rights, property and privileges of the Village; to preserve peace and good order; to secure persons and property from danger and destruction; and to protect the health, comfort and convenience of Village residents; and

WHEREAS, Section 206 of the Chevy Chase Village Charter authorizes the Board of Managers to adopt such ordinances as it deems necessary for the safety and welfare of Chevy Chase Village; for the protection and preservation of Chevy Chase Village property, rights and

CAPS

[Brackets]

Asterisks \* \* \*

CAPS

[Brackets]

: Indicate matter added to existing law.

: Indicate matter deleted from law.

: Indicate matter remaining unchanged in existing law but not set forth in Ordinance

:Indicate matter added in amendment

:Indicate matter deleted in amendment

privileges; for the preservation of peace and good order and for securing persons and property from violence, danger or destruction; and for the suppression and abatement of all nuisances; and

WHEREAS, with some exceptions, the Village is generally exempt from Montgomery County law unless it is incorporated by reference into the General Provisions Chapter of the Village Code; and

WHEREAS, the Board of Managers has determined that it is in the public interest to revise the General Provisions chapter of the Village Code to incorporate by reference Chapter 33B, “Pesticides” of the Montgomery County Code.

WHEREAS, after proper notice to the public, the Board of Managers conducted a public hearing at which it considered the following ordinance in public session assembled on the 11<sup>th</sup> day of January, 2021.

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

**AN ORDINANCE TO AMEND CHAPTER 1, “GENERAL PROVISIONS”, SEC. 1-9, “EXEMPTION FROM MONTGOMERY COUNTY LEGISLATION” TO INCORPORATE BY REFERENCE IN THE VILLAGE CODE CHAPTER 33B “PESTICIDES” OF THE MONTGOMERY COUNTY CODE.**

SECTION 1.

BE IT ORDAINED AND ORDERED this 11<sup>th</sup> day of January, 2021, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Section 206 of the Village Charter that Chapter 1, “General Provisions”, Article I, Sec. 18-1, “Scope”, be repealed, reenacted and amended to read as follows.

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

(a) – (b) \* \* \* \*

(c) The following chapters of the Montgomery County Code, 2014, 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 and Humanities.

(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, Buildings, shall apply generally, with the exception of §8-26(n) and (o), and 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, with the exception of §19-71.

(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 Homes.

(15) Chapter 23B, Financial Assistance to Nonprofit Service Organizations.

(16) Section 24-9, Smoking in Public Places.

- (17) Chapter 26, Housing and Building Maintenance Standards.
- (18) Chapter 27A, Individual Water Supply and Sewage Disposal Facilities.
- (19) Chapter 30A, Montgomery County Municipal Revenue Program.
- (20) Chapter 31, Motor Vehicles and Traffic.
- (21) Chapter 31B, Noise Control.
- (22) Chapter 31C, New Home Warranty and Builder Licensing.
- (23) Chapter 32, Offenses, Victim Advocate.
- (24) CHAPTER 33B, PESTICIDES.
- ~~[(24)]~~ (25) Chapter 34, Plumbing and Gas Fitting.
- ~~[(25)]~~ (26) Chapter 35, Police.
- ~~[(26)]~~ (27) Chapter 36, Pond Safety.
- ~~[(27)]~~ (28) Chapter 37, Public Welfare.
- ~~[(28)]~~ (29) Chapter 38A, Radio, Television and Electrical Appliance Installation and Repair.
- ~~[(29)]~~ (30) Chapter 40, Real Property.
- ~~[(30)]~~ (31) Chapter 41A, Rental Assistance.
- ~~[(31)]~~ (32) Chapter 47, Vendors.
- ~~[(32)]~~ (33) Chapter 51, Swimming Pools.
- ~~[(33)]~~ (34) Chapter 53, Taxicabs.
- ~~[(34)]~~ (35) Chapter 54A, Transit Facilities.
- ~~[(35)]~~ (36) Chapter 57, Weapons
- ~~[(36)]~~ (37) Chapter 59, Zoning.

\* \* \* \*

AND BE IT FURTHER ORDAINED AND ORDERED, this 11<sup>th</sup> day of January, 2021, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, and Section 206 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 25<sup>th</sup> day of January, 2021, provided the same is posted at the Village Office for fourteen (14) days prior thereto.

CHEVY CHASE VILLAGE

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Elissa Leonard, Chair  
Board of Managers  
Chevy Chase Village

ATTEST:

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Shana R. Davis-Cook, Village Manager