

Resolution No.: 06-12
Introduced: July 12, 2006
Adopted: October 11, 2006
Effective Date: November 10, 2006

WHEREAS, Article 23A, Section 2(a) of the Maryland Code, grants to the legislative body of every incorporated municipality in Maryland, including the Town of Chevy Chase, general power to pass such ordinances not contrary to the Constitution of Maryland or public general law as they may deem necessary in order 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;

WHEREAS, Section 301(a) of the Charter of the Town of Chevy Chase authorizes the Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and for such other police or health matters as it may deem necessary; and

WHEREAS, the Town Council considered the following ordinance in public session assembled on the 12th day of July, 2006, 13th day of September, 2006, and the 11th day of October, 2006; and

WHEREAS, the Town Council finds that development of an administrative procedure for the adoption of executive regulations is necessary for the good government of the Town in administering and implementing Town ordinances to protect and promote the health, safety, comfort, convenience, welfare and happiness of residents of the Town; and

WHEREAS, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town.

NOW, THEREFORE, the Town Council of the Town of Chevy Chase does hereby adopt the following ordinance:

AN ORDINANCE TO ADOPT A NEW ARTICLE IV OF CHAPTER
2 OF THE TOWN OF CHEVY CHASE MUNICIPAL CODE TO

ESTABLISH AN ADMINISTRATIVE PROCEDURE FOR
EXECUTIVE REGULATIONS

SECTION 1. BE IT ORDAINED AND ORDERED, this 11th day of October, 2006, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by Article 23A of the Maryland Code and the Town Charter, that a new Article IV of Chapter 2 of the Town Code is hereby adopted to read as follows:

ARTICLE IV Administrative Procedure – Executive Regulations

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Sec. 2-401 Purpose and Authority.

(a) Purpose. The purpose of this article is to prescribe a single and consistent procedure for the initiation, adoption, public notification, review, amendment, repeal, and/or compilation of regulations authorized by the Code.

(b) Authority. The provisions of this article are adopted under the authority of Article 23A of the Annotated Code of Maryland and the Town of Chevy Chase Charter and shall apply to all regulations that may be promulgated from time to time to implement and/or administer the Code.

2-402 Definitions.

(a) In this article the following terms shall have the meanings indicated.

(b) Terms defined.

- (1) *CCCR*: The Code of Chevy Chase Regulations shall be the compilation of existing regulations as may be implemented under this article.
- (2) *Code*: The Town of Chevy Chase Municipal Code.
- (3) *Executive Regulation*: Executive regulation shall have the same meaning as the term regulation as defined under this subsection.
- (4) *Register*: The Chevy Chase Register shall be the publication for promulgating proposed and final regulations as provided under this article.
- (5) *Regulation*: Any rule or requirement that the town manager and mayor may issue pursuant to a delegation of authority in the Code.
- (6) *Town Attorney*: An attorney duly licensed to practice law in Maryland who is designated by the town to provide legal counsel to the town.

2-403 Format for Proposed and Final Regulation.

A proposed or final regulation promulgated in the register shall include the following:

(a) Citation of Statutory Authority. There shall be a citation of statutory authority, including the citation of the Code section by which the regulation may be required or is necessary;

(b) Legal Sufficiency. The regulation must be reviewed for legal sufficiency and certified by the town attorney.

(c) Summary. A summary of the regulation shall be provided, including a statement indicating whether a regulation is being adopted, amended, and/or repealed.

(d) Proposed Only – Comments. For a proposed regulation, the register shall include the deadline for submitting comments and indicate that comments shall be submitted to the town manager, including the method of delivery by which comments may be submitted.

(e) Final Only – Consideration of Comments. For a final regulation, there shall be a section devoted to the consideration of public comments received during the proposed regulation comment period.

(f) Mayor's Signature. The mayor shall sign and date proposed and final regulations after the mayor's review and approval of them.

2-404 Proposed Regulation.

(a) Publication in the Register. A proposed regulation in the format as set forth under section 2-403 shall be published in the register within ten (10) days of the mayor's approval of the proposed regulation as evidenced by the mayor's signature.

(b) Notice.

(1) Town Hall and Website Notice. Upon the date that a proposed regulation is published in the register, the town manager shall post notice of such proposed regulation at the town hall in a conspicuous place and on the town website.

(2) *The Forecast*. In addition, the town manager shall publish notice of the proposed regulation in the issue of *The Forecast* that immediately follows publication in the register. The notice shall include where a copy of the proposed regulation may be reviewed.

(3) The notice required under this subsection shall include the topic of the regulation and the deadline to submit public comments.

(c) Deadline. The deadline for accepting public comments shall be not less than thirty (30) days after publication in the register.

(d) Review of Comments. The town manager and the mayor shall review all comments that are received before the deadline.

2-405 Final Regulation.

(a) Publication in the Register. A final regulation in the format as set forth under section 2-403 shall be published in the register after the town manager and mayor have reviewed timely received comments and no later than ten (10) days after the mayor's approval of the final regulation as evidenced by the mayor's signature.

(b) Notice.

(1) Town Hall and Website Notice. Upon the date that a final regulation is published in the register, the town manager shall post notice of such final regulation at the town hall in a conspicuous place and on the town website.

(2) *The Forecast*. In addition, the town manager shall publish notice of the final regulation in the issue of *The Forecast* that immediately follows publication in the register. The notice shall include where a copy of the final regulation may be reviewed.

(3) The notice required under this subsection shall include the topic of the regulation and the effective date of the regulation.

(c) Effective Date. The effective date for implementation of a final regulation shall be fifteen (15) days after publication in the register.

(d) CCCR Publication. The adoption, amendment, and/or repeal of a regulation shall be made in the CCCR no later than the effective date.

(e) Procedural Defect. Notwithstanding anything contained under this article, a procedural defect in the promulgation of a regulation shall not invalidate the regulation.

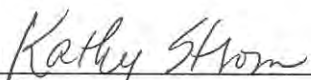
SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, that:

(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 10th day of November, 2006.

ATTEST:

TOWN OF CHEVY CHASE



Kathy Strom, Secretary



Linna Barnes, Mayor
Town of Chevy Chase