

**Town of Chevy Chase
Budget and Tax Rate Ordinance**

Resolution No.: 15-03
Introduced: April 8, 2015
Adopted: June 17, 2015
Effective Date: July 1, 2015

SUBJECT: AN ORDINANCE TO ADOPT A BUDGET FOR FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016 AND TO SET TAX RATES ON CERTAIN REAL AND PERSONAL PROPERTY UNDER THE PROVISIONS OF SECTION 6-203 OF THE TAX-PROPERTY ARTICLE OF THE MARYLAND CODE, AS AMENDED

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, 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 the public general law, as deemed 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, Maryland Code, Local Government Article, Section 5-205, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to spend money for any public purpose and to affect the safety, health, and general welfare of the municipality and its occupants;

WHEREAS, Maryland Code, Tax-Property Article, Section 6-203, as amended, grants authority to municipal corporations to levy a tax on personal property, land, and improvements thereon, within the municipal corporation;

WHEREAS, Section 301 of the Town of Chevy Chase Charter authorizes the Town Council to pass ordinances 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 and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the resident(s) of the Town; and for such other police and health matters as it may deem necessary;

WHEREAS, pursuant to Section 501 of the Town of Chevy Chase Charter, the Town operates on an annual budget;

WHEREAS, Section 503(a) of the Town of Chevy Chase Charter authorizes the Town Council to levy and collect from the owners of real and/or taxable tangible personal property

used in a trade or business in the town, tax on the assessed valuation of the real and/or taxable tangible personal property used in a trade or business within the boundaries of the Town at a rate or rates set by the Town Council;

WHEREAS, the Town Council introduced the following Ordinance in public session assembled on the 8th day of April, 2015;

WHEREAS, the Town Council, after proper notice to the public, considered the following Ordinance at public hearings held on the 5th day of May, 2015 and on the 17th day of June, 2015; 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 and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the Town; and

WHEREAS, pursuant to Section 209 of the Town of Chevy Chase Charter, every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of thirty (30) calendar days following its passage; and

WHEREAS, due to events beyond the control of the Town Council, additional discussions and modifications to the budget were necessitated, such that the approval process no longer affords thirty (30) days between conclusion of the Town Council's discussions and public hearing, and the necessary effective date of this Ordinance, which must be the first day of the fiscal year, July 1, 2015; and

WHEREAS, such unforeseen events included, among other matters, the elimination by Montgomery County, Maryland of the tax duplication payment to the Town, as initially reflected in the County Executive's draft budget, and the budget shortfall anticipated by the outcome of the case of the *Comptroller of Maryland v. Wynne* decided by the U.S. Supreme Court (No. 13-485) on May 18, 2015.

NOW, THEREFORE, the Town Council does hereby adopt the foregoing emergency Ordinance.

BE IT ORDAINED AND ORDERED, this 17th day of June, 2015, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town of Chevy Chase Charter, that the attached Budget be and is hereby adopted.

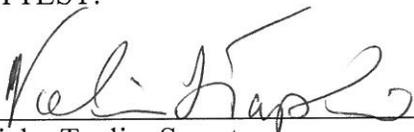
AND BE IT FURTHER ORDAINED AND ORDERED, that the Town Council of the Town of Chevy Chase, pursuant to the authority granted by the Town Charter and Section 6-203 of the Tax-Property Article of the Maryland Code, hereby levies a tax at the following rates:

- (i) zero dollars and zero cents (\$0.00) per One Hundred Dollars of assessable value (fair market value) on real property subject to taxation;
- (ii) zero dollars and zero cents (\$0.00) per One Hundred Dollars of assessed value of assessable business-owned personal property subject to taxation; and
- (iii) zero dollars and zero cents (\$0.00) per One Hundred Dollars of assessed value of assessable utility property subject to taxation.

AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council, acting under and by virtue of the authority granted to it by the Maryland Code, and the Charter of the Town of Chevy Chase, that:

- (1) That the tax rates established hereby be certified to the County Council for Montgomery County, Maryland;
- (2) 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
- (3) This emergency Ordinance shall take effect on the 1st day of July, 2015.

ATTEST:



Vicky Taplin, Secretary

TOWN OF CHEVY CHASE



Al Lang, Mayor
Town of Chevy Chase