

TOWN OF CHEVY CHASE
COUNCIL MEETING
January 10, 2024

OPEN SESSION TO VOTE TO ENTER CLOSED SESSION (6:00 p.m.)

The Town Council will meet in open session for the purpose of voting to enter a closed session pursuant to the Open Meetings Act, Maryland Code, General Provisions Article, Section 3-305(b)(7) to consult with counsel to obtain legal advice on building code administration.

- I. GENERAL BUSINESS (7:00-7:30 p.m.)
 - A. Call to Order
 - B. December 2023 Financial Report
 - C. Town Manager's Report
 - D. Public Comments

- II. PUBLIC HEARINGS (7:30-8:00 p.m.)
 - A. [Ordinance to Amend Chapter 16 \(Noise Control\) of the Town Code to Enact a Full Year Ban on Gas-Powered Leaf Blowers](#)
 - B. [Ordinance to Amend Chapter 8 \(Elections\) of the Town Code](#)
 - C. [Resolutions to Amend Article 4 \(Registration, Nomination and Elections\) of the Town Charter](#)

- III. COUNCIL DISCUSSIONS (8:00-8:15 p.m.)
 - A. Bradley Lane Improvements

- IV. OTHER BUSINESS/UPDATES (8:15-9:00 p.m.)
 - A. Corso Chevy Chase
 - B. Bethesda Market Park
 - C. Municipal Regulatory Authority
 - D. MML Legislative Updates

- V. ADJOURNMENT (9:00 p.m.)

How to Join the Council Meeting

1. In-Person
4301 Willow Lane, Chevy Chase, MD 20815

2. [Online via Zoom](#)

3. By Phone via Zoom
(301) 715-8592
Meeting ID: 301 654 7144
Passcode: 6547144

**Town of Chevy Chase
Gasoline-Powered Blower Ordinance**

Ordinance No.: 2024-01
Introduced: December 13, 2023
Adopted:
Effective:

**SUBJECT: AN ORDINANCE TO PROHIBIT OPERATION OF
GASOLINE-POWERED BLOWERS**

WHEREAS, Section 5-202 of the Local Government Article 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 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; and

WHEREAS, Section 301(a) of the Charter of the Town of Chevy Chase authorizes the Town 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 introduced the following ordinance on the 13th day of December 2023 and held a public hearing on the following ordinance in public session assembled on the 10th day of January 2024; and

WHEREAS, on September 26, 2023, the Montgomery County Council adopted Bill 18-22 which prohibits the use of gas-powered leaf blowers and leaf vacuums starting July 1, 2025; and

WHEREAS, the cost of electric or battery-powered equipment has become and continues to be more competitive compared to the cost of gas-powered equipment; and

WHEREAS, upon consideration of the recommendation of the Climate and Environment Committee, and the testimony and evidence presented at the public hearing, the Town Council finds that the operation of gasoline-powered blowers should be restricted; and

WHEREAS, the Town Council finds that the following ordinance 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:

SECTION 1. BE IT ORDAINED AND ORDERED, this 10th day of January 2024, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by the Maryland Code and the Town Charter, that the Town Code is amended to read as follows:

* * *

Sec. 16-1. - Noise restrictions.

The following provisions shall apply in the Town of Chevy Chase in addition to the provisions of chapter 31B of the Montgomery County Code:

(1) *Construction.* It shall be unlawful to engage in construction activities before 7:00 a.m. on weekdays or 9:00 a.m. on weekends and all federal holidays, or after 7:00 p.m. on all days. As used herein, "construction activities" means temporary activities directly associated with site preparation, assembly, erection, repair, alteration, renovation, construction, or demolition of improvements, or other similar activities including, but not limited to, moving heavy equipment, delivering materials, loading or unloading, operating equipment with audible "back-up" warning devices, and allowing engines to idle.

(2) *Landscaping.*

a. Gasoline-powered.

~~1. Restrictions, effective dates.~~

~~a. Restrictions applicable through December 31, 2020. It shall be unlawful to operate a gasoline powered blower before 9:00 a.m. and after 7:00 p.m., on all days.~~

~~b. Restrictions applicable starting January 8, 2021. It shall be unlawful to operate a gasoline powered blower before 10:00 a.m. on weekdays, before 12:00 p.m. on weekends and all federal holidays, and after 6:00 p.m. on all days.~~

~~c. Restrictions applicable starting January 1, 2022. It shall be unlawful to operate a gasoline-powered blower at any time on any day from the 1st day of January through the 14th day of October. From the 15th day of October through the 31st day of December, it shall be~~

~~unlawful to operate a gasoline-powered blower before 10:00 a.m. on weekdays, before 12:00 p.m. on weekends and all federal holidays, and after 6:00 p.m. on all days.~~

2. It shall be unlawful to operate other gasoline-powered landscaping equipment before 8:00 a.m. on weekdays, before 9:00 a.m. on weekends and all federal holidays, after 8:00 p.m. on weekdays, and after 7:00 p.m. on weekends and all federal holidays.

3. Contractors, employees, and agents of the town are exempt from these restrictions from the 15th day of October through the 31st day of December, 2024.

b. Electric or battery-powered. It shall be unlawful to operate electric or battery-powered landscaping equipment before 8:00 a.m. on weekdays, before 9:00 a.m. on weekends and all federal holidays, and after 8:00 p.m. on all days.

c. As used herein, "landscaping equipment" means motorized equipment such as a lawn mower, chainsaw, blower, weed trimmer, or other similar equipment operated outdoors. "Landscaping equipment" does not include motor vehicles or fixtures such as air conditioners, heat pumps, back-up generators and similar equipment attached to a building.

d. As used herein, "gasoline-powered blower" means handheld, backpack, or similar equipment used to perform landscaping including, but not limited to, the blowing, vacuuming, or moving of grass, leaves, or other debris. "Gasoline-powered blower" does not include a snow blower or blower used to spray herbicide, pesticide, or fertilizer.

(3) *Penalties.* Violation of any provision of this chapter shall be a municipal infraction. Any person or persons guilty of a municipal infraction shall be subject to a fine in the amount specified below:

a. First violation\$200.00

b. Second violation\$400.00

c. Third violation\$1,000.00

d. Any person who violates this chapter or directs or allows another to commit an act that violates this chapter, the person's employer if the person acted in the course of his or her employment, and any property owner who allows a violation of this chapter on his or her property shall be guilty of a violation and shall be jointly and severally subject to the penalties provided in subsections a. through c. If a violation occurs, there shall be a rebuttable presumption that all owners of the property allowed the violation.

(4) *Enforcement.* An enforcement officer may issue a municipal infraction citation for any violation of this chapter if the enforcement officer:

a. Witnesses the violations; or

b. Receives written complaints from at least two (2) witnesses, who are not residents at the same address. Complaints by two (2) witnesses are required to issue a citation under this paragraph but are not required to prove that a person violated this chapter. The complainants must be willing to testify in court, if required.

(Res. No. 10-01, 2-18-10, eff. 3-20-10; Ord. No. 19-08, § 1, 7-16-19, eff. 9-1-19; Ord. No. 20-08 , § 1, 12-9-20, eff. 1-8-21)

* * *

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by the Maryland Code and the Town Charter that, that:

(1) To assist the public in understanding the permissible hours of operation for landscaping equipment, the following table may be published by the Town Manager:

| | Permissible Hours | |
|--|-------------------------|------------------------------|
| Construction activities | <i>Weekdays</i> | <i>Weekends and Holidays</i> |
| | From 7:00 am to 7:00 pm | From 9:00 am to 7:00 pm |
| Landscaping equipment | | |
| Gas-powered blower | <i>Weekdays</i> | <i>Weekends and Holidays</i> |
| | Prohibited at all times | Prohibited at all times |
| All other gas-powered equipment | <i>Weekdays</i> | <i>Weekends and Holidays</i> |
| | From 8:00 am to 8:00 pm | From 9:00 am to 7:00 pm |
| All electric or battery-powered equipment | <i>Weekdays</i> | <i>Weekends and Holidays</i> |
| | From 8:00 am to 8:00 pm | From 9:00 am to 8:00 pm |

Effective February 9, 2024

(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 ordinance shall take effect on the 9th day of February 2024 (30 days after adoption).

(4) Section 16-1(2)a.3, concerning the exemption for Town contractors, employees, and agents, is adopted as an interim measure and shall automatically expire and be abrogated and of no further force or effect, on the 1st day of January 2025, with no further action being required by the Town Council.

ATTEST:

TOWN OF CHEVY CHASE

Stephanie Martz, Secretary

Irene Lane, Mayor
Town of Chevy Chase

Bold and Underline indicates new material
~~Strike through~~ indicates material deleted
* * * indicates material unchanged

**Town of Chevy Chase
(Elections)**

Ordinance No.: 2024-02
Introduced: December 13, 2023
Adopted:
Effective Date:

Subject: AN ORDINANCE TO AMEND CHAPTER 8 OF THE TOWN CODE REGARDING ELECTIONS, TO REMOVE THE REQUIREMENT THAT THE ELECTIONS BOARD PLACE NAMES IN NOMINATION; TO CHANGE THE TERM “ABSENTEE” TO “MAIL-IN” FOR VOTING PURPOSES; TO ALLOW THE TOWN TO SEND MAIL-IN BALLOTS TO ALL REGISTERED VOTERS; TO ALLOW THE ELECTIONS BOARD TO BE SUPPORTED BY AN ELECTION SERVICE PROVIDER; AND TO REORGANIZE AND CLARIFY EXISTING PROVISIONS

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to pass ordinances that such legislative body deems necessary to assure the good government of the municipality and to protect the health, comfort, and convenience of the citizens of the municipality;

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 and for the protection and promotion of the health, safety, comfort, convenience, and welfare of the residents of the Town; and for such other police and health matters as it may deem necessary;

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in public session assembled on the 13th day of December 2023, and considered the following Ordinance in public session assembled on the 10th day of January 2024;

WHEREAS, upon consideration of the testimony and evidence presented at the public hearing, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town and for the protection and promotion of the health, safety, comfort, convenience, and welfare of the residents of the Town.

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

SECTION 1. BE IT ORDAINED AND ORDERED, this 10th day of January 2024, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the aforementioned authority, that the Code of Ordinances is hereby amended as follows:

* * *

Chapter 8 ELECTIONS¹

Sec. 8-1. - Scope; date, etc.

Elections shall be governed by the provisions of this chapter. An election shall be held on the first Tuesday in May of each year to elect members of the town council. Three (3) members shall be elected in even-numbered years and two (2) members in ~~the~~ odd-numbered years.

Sec. 8-2. - Elections board generally.

(a) The council shall appoint an elections board to consist of three (3) residents who are qualified to vote in town elections and who neither hold office in the town at the time of such appointment, nor will become a candidate for such office during their service on such board. The members of the elections board shall be appointed to three (3)-year staggered terms except that the initial appointments following the effective date of this provision shall be for one (1), two (2) and three (3) years. In the event of a vacancy, the council shall appoint a replacement to complete the remainder of the term. The duties of said elections board shall, in general, be to provide for the conduct of all elections, special or general, ~~including, but not limited to, making appropriate provisions for nominations, in the manner hereinafter set forth, the printing of ballots, the appointing of tellers and/or judges, the supervision of the polls, and the maintenance of an up-to-date list of qualified town voters.~~ **The elections board may be supported by an election service provider.**

(b) **The elections board shall recommend election rules and procedures for approval by the council.** The elections board shall work with ~~and under the guidance of the town council~~ **the town manager** on, ~~submitting for its prior approval the form of printed ballot it intends to use and the form and text of all notices or other communications it intends to forward to the citizens.~~ Following the holding of an election, the elections board shall submit to the town council its written report thereon, including the voting results, together with recommendations for the future.

Sec. 8-3. - Nominations and write-in candidates.

~~(a) To be qualified for election, a write-in candidate must file a certificate of candidacy before 5:00 p.m. on the seventh calendar day preceding the election, in a form provided by the town. Any votes cast for a write-in candidate who has failed to comply with this section shall be reported but not counted.~~

¹Charter reference(s)—Elections, § 401 et seq.

State law reference(s)—Election Code, Anno. Code of Md., Art. 33.

Cross reference – Public Ethics, Financial Disclosure – Candidates, § 2-56.

(b) An individual's name may not be placed on the election ballot unless the individual has the qualifications for office required by the town charter. Except as provided in subsection (c) of this section, an individual's name may not be placed on the ballot unless a petition nominating the individual has been filed by the individual or by someone acting on the individual's behalf at the town office before 5:00 p.m. on the third Tuesday before the election. The petition must show the consent of the individual to become a candidate and hold office. A petition must contain the signatures of five (5) qualified voters of the town other than the candidate.

(b) To be qualified for election, a write-in candidate must file a certificate of candidacy before 5:00 p.m. on the seventh calendar day preceding the election, in a form provided by the town. Any votes cast for a write-in candidate who has failed to comply with this section shall be reported but not counted.

(c) ~~The election board may place names in nomination for town office if it deems such additional nominations to be desirable. The elections board shall place names in nomination~~ **seek qualified nominees if it determines there** ~~if by the deadline for filing nominating petitions there are will not be enough names of candidates on the ballot to fill the offices being selected at the election.~~

Sec. 8-4. - Notice of elections.

(a) The elections board shall cause to be mailed to all town residents, not less than eight (8) weeks prior to any election, a notice ~~of the time and place~~ of the election. The notice shall include a description of the procedure for residents to nominate candidates for office as set forth in section 8-3(b)**(a)** above.

(b) The elections board shall cause to be mailed to all residents of the town, not later than the second Tuesday immediately preceding the election, a notice of the election containing the name and a short biographical sketch of each candidate. The notice shall contain a statement that there will be appropriate blanks on the printed ballot for the purpose of adding write-in candidates at the time of election and that write-in candidates must file a certificate of candidacy before 5:00 p.m. on the seventh calendar day preceding the election in order to be qualified for election. Within 24 hours of receipt of a certificate of candidacy, the elections board, in coordination with the town manager, shall inform town residents of the filing of the certificate of candidacy and the identity of such candidate.

Sec. 8-5. - Absentee Mail-in ballots.

Any qualified voter of the town may vote ~~in person or by absentee ballot~~ **according to town election rules and procedures.** Each person desiring an absentee **mail-in** ballot ~~individually shall apply for an absentee ballot in writing to the town office, if applicable. Any absentee ballot to be counted must be received by the town by the time the polls close on election day. Absentee ballots shall be enclosed in specially printed envelopes provided by the town. The elections board shall prescribe the form and contents of the mail-in ballot and return envelopes. At a minimum, the term "absentee ballot" must appear in large block letters on the outside of the~~

~~envelope in which the absentee ballot is submitted. The name, address, and date of birth of the absentee voter must appear on the outside of the envelope. All absentee ballots must be delivered in unopened envelopes to the election board. The election board or its approved tellers or judges will verify that the name of the absentee voter appears on the county list of qualified voters obtained from the county supervisor of elections. If the absentee voter's name does not appear on the county list of qualified voters the ballot will be rejected as invalid.~~ **The town may send mail-in ballots to all registered voters for any election that is conducted by mail, in whole or in part.**

Sec. 8-6. - Tie votes.

(a) The elections board shall apply the following procedures if two (2) or more candidates receive the same number of votes for the same office:

(1) If the tie is ~~among~~ **between** two (2) candidates who received the most votes cast in a two-candidate election, the tied candidates will be certified elected.

(2) If, in a two-candidate election, the tie is among those candidates other than the one who received the ~~most~~ **greatest** number of votes, those two (2) receiving more votes than any other candidates shall participate in a special run-off election held by mail within ten (10) days.

(3) If the tie is among three (3) candidates who received the most votes cast in a three-candidate election, those tied candidates will be certified as elected.

(4) If the tie is ~~among~~ **between** two (2) candidates for the second and third places on the ballot in a three-candidate election, those two (2) will be certified as elected.

(5) If the tie is for the last place in a three-candidate election, a special run-off election will be held by mail among the tied candidates within ten (10) days.

(b) The call for a special run-off election distributed by hand or by mail will list tied candidates and set a ten-day date of return by mail or delivery to the town office. ~~Absentee ballots will be permitted.~~

* * *

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the aforementioned authority, 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 9th day of February 2024 (30 days after adoption).

ATTEST:

TOWN OF CHEVY CHASE

Stephanie Martz, Secretary

Irene Lane, Mayor
Town of Chevy Chase

Bold and Underline indicates new material

~~Strikethrough~~ indicates material deleted

* * * indicates material unchanged

Charter Amendment Res. No.: 2024-03

Introduced: December 13, 2023

Adopted:

Effective:

TOWN COUNCIL OF THE TOWN OF CHEVY CHASE

A RESOLUTION TO AMEND SECTION 402 OF THE CHARTER OF THE TOWN OF CHEVY CHASE

This Resolution of the Council of the Town of Chevy Chase is adopted pursuant to the Constitution of Maryland, Article XI-E, the Maryland Code, Local Government Article, Section 4-301, *et seq.*, and the Charter of the Town of Chevy Chase, to amend Section 402 of the Charter to change “absentee” to “mail-in”, given that absence is not required for mail-in voting, according to Maryland Law (Md. Code, Elections Art., Sec. 9-301).

Section 1. BE IT RESOLVED BY THE TOWN COUNCIL, that said Section of the Town Charter be amended to read as follows:

Section 402. Elections board.

The council shall appoint an elections board and provide procedures for regular and special elections and for voting by [absentee] mail-in ballot.

NOTE: Underlining indicates language added to the Charter

[**Boldface Brackets**] denote language deleted from the Charter

Section 2. AND BE IT FURTHER RESOLVED, that the date of the adoption of this Resolution is January 10, 2024, following introduction on December 13, 2023 (at least twenty-one (21) days prior to adoption), and following a public hearing; and that the amendment to the Town Charter hereby proposed by this enactment shall be and become effective on February 29, 2024 (fifty (50) days after adoption), unless a proper petition for a referendum hereon shall be filed as permitted by law on or before February 19, 2024 (forty (40) days from adoption).

Section 3. AND BE IT FURTHER RESOLVED, that a complete and exact copy of this Resolution shall be posted at 4301 Willow Lane, Chevy Chase, MD 20815 for at least forty (40) days following adoption and a fair summary of this Resolution shall be published in a newspaper of general circulation in the Town of Chevy Chase once, and a copy of a fair summary shall be delivered by hand or by mail once to every residence in the Town, which delivery may be accomplished by including a fair summary in a printed newsletter or any other regular municipal publication.

Section 4. AND BE IT FURTHER RESOLVED, that as soon as the amendment hereby enacted shall become effective, either as herein provided or following a referendum, the Mayor shall send, by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the Department of Legislative Services, the following information concerning the amendment: (i) the complete text of the amendment as hereby enacted; (ii) the date of the referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against the question concerning the amendment, whether by the Town Council or in a referendum; and (iv) the effective date of the amendment.

Section 5. AND BE IT FURTHER RESOLVED, that the Mayor is hereby specifically instructed to carry out the provisions of Sections 3 and 4. As evidence of compliance herewith, the said Mayor shall cause to be placed in the Town files (1) an appropriate certificate of publication of the newspaper in which a fair summary of this Resolution shall have been published; (2) a copy of the newsletter or other notice to residents; and (3) shall further complete and execute the Certificate of Effect attached hereto.

Attest:

We hereby attest that the above Resolution was duly adopted by the Town Council at a regular meeting held on January 10, 2024.

Stephanie Martz, Secretary

Todd Hoffman, Town Manager

Charter Amendment Res. No.: 2024-04

Introduced: December 13, 2023

Adopted:

Effective:

TOWN COUNCIL OF THE TOWN OF CHEVY CHASE

A RESOLUTION TO AMEND SECTION 403 OF THE CHARTER OF THE TOWN OF CHEVY CHASE

This Resolution of the Council of the Town of Chevy Chase is adopted pursuant to the Constitution of Maryland, Article XI-E, the Maryland Code, Local Government Article, Section 4-301, *et seq.*, and the Charter of the Town of Chevy Chase, to amend Section 403 of the Charter to delete the requirement for the Elections Board to maintain the voter registration list, given that municipal voter registration is primarily accomplished by the Statewide Voter Registration List according to Maryland Law (Md. Code, Elections Art., Sec. 3-403).

Section 1. BE IT RESOLVED BY THE TOWN COUNCIL, that said Section of the Town Charter be amended to read as follows:

Section 403. Registration.

Voters may register for town elections according to such rules and regulations as may be established by the council from time to time. The town shall accept registration as a voter in the State of Maryland for purposes of registration as a voter in the town provided the statewide voter registration list reflects a home address within the town for that voter. A separate list of qualified voters who are not U.S. citizens shall be maintained by the town manager. [The elections board shall keep the registration lists up-to-date by striking from the lists persons known to have died or to have moved out of the town.]

NOTE: Underlining indicates language added to the Charter

[**Boldface Brackets**] denote language deleted from the Charter

Section 2. AND BE IT FURTHER RESOLVED, that the date of the adoption of this Resolution is January 10, 2024, following introduction on December 13, 2023 (at least twenty-one (21) days prior to adoption), and following a public hearing; and that the amendment to the Town Charter hereby proposed by this enactment shall be and become effective on February 29, 2024 (fifty (50) days after adoption), unless a proper petition for a referendum hereon shall be filed as permitted by law on or before February 19, 2024 (forty (40) days from adoption).

Section 3. AND BE IT FURTHER RESOLVED, that a complete and exact copy of this Resolution shall be posted at 4301 Willow Lane, Chevy Chase, MD 20815 for at least forty (40) days following adoption and a fair summary of this Resolution shall be published in a newspaper of general circulation in the Town of Chevy Chase once, and a copy of a fair summary shall be delivered by hand or by mail once to every residence in the Town, which delivery may be accomplished by including a fair summary in a printed newsletter or any other regular municipal publication.

Section 4. AND BE IT FURTHER RESOLVED, that as soon as the amendment hereby enacted shall become effective, either as herein provided or following a referendum, the Mayor shall send, by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the Department of Legislative Services, the following information concerning the amendment: (i) the complete text of the amendment as hereby enacted; (ii) the date of the referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against the question concerning the amendment, whether by the Town Council or in a referendum; and (iv) the effective date of the amendment.

Section 5. AND BE IT FURTHER RESOLVED, that the Mayor is hereby specifically instructed to carry out the provisions of Sections 3 and 4. As evidence of compliance herewith, the said Mayor shall cause to be placed in the Town files (1) an appropriate certificate of publication of the newspaper in which a fair summary of this Resolution shall have been published; (2) a copy of the newsletter or other notice to residents; and (3) shall further complete and execute the Certificate of Effect attached hereto.

Attest:

We hereby attest that the above Resolution was duly adopted by the Town Council at a regular meeting held on January 10, 2024.

Stephanie Martz, Secretary

Todd Hoffman, Town Manager

Charter Amendment Res. No.: 2024-05
Introduced: December 13, 2023
Adopted:
Effective:

TOWN COUNCIL OF THE TOWN OF CHEVY CHASE

A RESOLUTION TO AMEND SECTION 406 OF THE CHARTER OF THE TOWN OF CHEVY CHASE

This Resolution of the Council of the Town of Chevy Chase is adopted pursuant to the Constitution of Maryland, Article XI-E, the Maryland Code, Local Government Article, Section 4-301, *et seq.*, and the Charter of the Town of Chevy Chase, to amend Section 406 of the Charter to extend the deadline for the certification of election results in order to accommodate a mail-in election; and to provide flexibility for the elections board to determine an alternative deadline.

Section 1. BE IT RESOLVED BY THE TOWN COUNCIL, that said Section of the Town Charter be amended to read as follows:

Section 406. Vote count.

Within [forty-eight (48) hours] seven (7) days after [the closing of the polls] election day, or such other deadline determined by the elections board, the elections board shall determine the vote cast for each candidate or question and shall certify the results to the council. The candidates for councilmember with the highest number of votes in the general election shall be declared as councilmembers.

NOTE: Underlining indicates language added to the Charter
[**Boldface Brackets**] denote language deleted from the Charter

Section 2. AND BE IT FURTHER RESOLVED, that the date of the adoption of this Resolution is January 10, 2024, following introduction on December 13, 2023 (at least twenty-one (21) days prior to adoption), and following a public hearing; and that the amendment to the Town Charter hereby proposed by this enactment shall be and become effective on February 29, 2024 (fifty (50) days after adoption), unless a proper petition for a referendum hereon shall be filed as permitted by law on or before February 19, 2024 (forty (40) days from adoption).

Section 3. AND BE IT FURTHER RESOLVED, that a complete and exact copy of this Resolution shall be posted at 4301 Willow Lane, Chevy Chase, MD 20815 for at least forty (40) days following adoption and a fair summary of this Resolution shall be

published in a newspaper of general circulation in the Town of Chevy Chase once, and a copy of a fair summary shall be delivered by hand or by mail once to every residence in the Town, which delivery may be accomplished by including a fair summary in a printed newsletter or any other regular municipal publication.

Section 4. AND BE IT FURTHER RESOLVED, that as soon as the amendment hereby enacted shall become effective, either as herein provided or following a referendum, the Mayor shall send, by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the Department of Legislative Services, the following information concerning the amendment: (i) the complete text of the amendment as hereby enacted; (ii) the date of the referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against the question concerning the amendment, whether by the Town Council or in a referendum; and (iv) the effective date of the amendment.

Section 5. AND BE IT FURTHER RESOLVED, that the Mayor is hereby specifically instructed to carry out the provisions of Sections 3 and 4. As evidence of compliance herewith, the said Mayor shall cause to be placed in the Town files (1) an appropriate certificate of publication of the newspaper in which a fair summary of this Resolution shall have been published; (2) a copy of the newsletter or other notice to residents; and (3) shall further complete and execute the Certificate of Effect attached hereto.

Attest:

We hereby attest that the above Resolution was duly adopted by the Town Council at a regular meeting held on January 10, 2024.

Stephanie Martz, Secretary

Todd Hoffman, Town Manager