

Resolution No. 07-12
Charter Amendment No. 07

A CHARTER AMENDMENT TO AMEND SECTION 301 OF THE TOWN OF CHEVY CHASE CHARTER

Resolution of the Town Council of the Town of Chevy Chase (the "Town Council") adopted pursuant to Article XI-E of the Constitution of Maryland, Article 23A, Section 13 of the Annotated Code of Maryland, and the Charter of the Town of Chevy Chase (the "Town Charter") to amend Section 301 of the Town Charter to simplify the description of the powers granted to the Town Council.

Section 1. BE IT RESOLVED BY THE TOWN COUNCIL, that Section 301 of the Town Charter be amended to read as follows:

Section 301. Powers of the council.

(a) *General powers.* The council shall have the power to pass all ordinances not contrary to the Constitution and laws of the State of Maryland or this 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 resident(s) of the town and for such other police or health matters as it may deem necessary.

(b) *Specific powers.* The council shall have all specific powers granted to it by the Maryland Constitution or applicable law passed by the Maryland General Assembly.

1. *Advertising* - To provide for advertising for the purposes of the town for printing and publishing statements as to the business of the town.
2. *Amusements* - To provide in the interest of the public welfare for licensing, regulating, or restraining theatrical or other public amusements.
3. *Appropriations* - To appropriate municipal monies for any purpose within the powers of the council.
4. *Auctioneers* - To regulate the sale of all kinds of property at auction within the town and to license auctioneers.
5. *Band* - To establish a municipal band, symphony orchestra or other musical organization, and to regulate by ordinance the conduct and policies thereof.

Resolution No. 07-12

Charter Amendment No. 07

6. *Billboards* - To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the city, the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole, or other place within the town.
7. *Boards, commissions and committees* - To appoint such boards, commissions and committees as may be necessary to the health, welfare and safety of the citizens. The authority and responsibility for each such group appointed shall be prescribed by the town council.
8. *Bridges* - To erect and maintain bridges.
9. *Buildings* - To make reasonable regulations in regard to buildings and barns to be erected, constructed, or reconstructed in the town, and to grant building permits for them; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.
10. *Codification of ordinances* - To provide for the codification of all ordinances.
11. *Community services* - To provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare and enlightenment of the inhabitants of the town.
12. *Cooperative activities* - To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.
13. *Curfew* - To prohibit the youth of the town from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.
14. *Dangerous improvements* - To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.
15. *Departments* - To create, change, and abolish offices, departments, or agencies, other than the offices, departments, and agencies established by this charter; to assign additional functions or duties to offices, departments, or agencies established by this charter, but not including the power to discontinue or assign to any other office, department, or agency any function or duty assigned by this charter to a particular office, department, or agency.
16. *Dogs and cats* - To regulate the keeping of dogs and cats in the town and to provide for licensing and taxing of them; to provide for disposition of homeless dogs and cats.
17. *Explosives and combustibles* - To regulate or prevent the storage of gunpowder, oil, or any other explosive or combustible matter; to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar things which may endanger persons or property.
18. *Fees and charges* - Subject to the limitations imposed by the provisions of article 81 of the Annotated Code of Maryland, to establish and collect reasonable fees and charges:
 - (i) For the franchises, licenses or permits authorized by law to be granted by a municipal corporation; or

Resolution No. 07-12
Charter Amendment No. 07

(ii) Associated with the exercise of any governmental or proprietary function authorized by law to be exercised by a municipal corporation.

19. *Filth* - To compel the occupant of any premises or building situated in the town, if it has become filthy or unwholesome, to abate and cleanse the condition; and after reasonable notice to the owners or occupants to authorize such work to be done by the proper officers and to assess the expense thereof against the property, making it collectible by taxes or against the occupant or occupants.

20. *Finances* - To levy, assess, and collect all lawful municipal taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the town.

21. *Franchising* - To grant one (1) or more exclusive or non-exclusive franchises for a community antenna system or other cable television system that utilizes any public right-of-way, highway, street, road, lane, alley or bridge; to impose franchise fees; and to establish rates, rules and regulations for franchises granted under this section. No franchise shall be granted for a longer period than fifty (50) years.

22. *Garbage* - To prevent the deposit of any unwholesome substance either on private or public property and to compel its removal to designated points; to require slops, garbage, ashes, and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

23. *Grants-in-aid* - To accept gifts and grants of federal or of state funds from the federal or state government or any agency thereof, and to expend the funds for any lawful purpose, agreeably to the conditions under which the gifts or grants were made.

24. *Hawkers* - To license, tax, regulate, suppress, and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers, and all other persons selling any articles on the streets of the town, and to revoke such licenses for any action or threat of action by such licensee in the course of his occupation which causes or threatens harm or injury to inhabitants of the town or to their welfare or happiness.

25. *Health* - To protect and preserve the health of the town and its inhabitants; to prevent the introduction of contagious diseases into the town; to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health; but nothing herein shall be construed to affect in any manner any of the powers and duties of the [Maryland state] secretary of health and mental hygiene, the [Montgomery] county board of health, or any public general or local law relating to the subject of health.

26. *House numbers* - To regulate the size and visibility of house numbers.

27. *Licenses* - Subject to any restrictions imposed by the public general laws of the state, to license and regulate all persons beginning or conducting transient or permanent business in the town for the sale of any goods, wares, merchandise, or services, to license and regulate any business, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this charter.

28. *Liens* - To provide that any valid charges, taxes, or assessments made against any real property within the town shall be liens upon the property, to be collected as municipal taxes are collected.

Resolution No. 07-12
Charter Amendment No. 07

29. *Lights* - To provide for the lighting of the town.
30. *Livestock* - To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs, or other animals; to authorize the impounding, keeping, sale, and redemption of such animals when found in violation of the ordinance in such cases provided.
31. *Minor privileges* - To regulate or prevent the use of public ways, sidewalks, and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements, and display of goods, wares, and merchandise.
32. *Noise* - To regulate or prohibit unreasonable noises from ringing of bells, crying of goods, sounding of whistles and horns, or mechanical and industrial equipment.
33. *Nuisances* - To prevent or abate by appropriate ordinance all nuisances in the town which are so defined at common law, by this charter, or by the laws of the State of Maryland, whether they be herein specifically named or not; to regulate, to prohibit, to control the location of, or to require the removal from the town of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health. In this connection the town may regulate, prohibit, control the location of, or require the removal from the town of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries, and renderies. This listing is by way of enumeration, not limitation.
34. *Obstructions* - To remove all nuisances and obstructions from the streets, lanes, and alleys and from any lots adjoining thereto, or any other places within the limits of the town.
35. *Parking control* - To regulate the parking on town streets and to implement restrictions on time and place of parking.
36. *Parking meters* - To install parking meters on the streets and public places of the town in such places as by ordinance they determine, and by ordinance to prescribe rates and provisions for the use thereof; but the installation of parking meters on any street or road maintained by the state highway administration must first be approved by the administration.
37. *Parks and recreation* - To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the town.
38. *Police force* - To establish, operate, and maintain a police force.
39. *Police powers* - To enforce all laws of the city and state equally within the city limits; to enforce all laws relating to disorderly conduct and the suppression of nuisances equally within the limits of the city and beyond those limits for one-half mile or for so much of this distance as does not conflict with the powers of another municipal corporation.
40. *Property* - To acquire by conveyance, purchase, or gift buildings and structures thereon for the benefit of the town and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty (20) days' public notice of the proposed conveyance; to control, protect, and maintain public buildings, grounds, and property of the town.

Resolution No. 07-12

Charter Amendment No. 07

41. *Regulations* - To adopt and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking, and other similar regulations not in conflict with the laws of the State of Maryland or with this charter.

42. *Sidewalks* - To regulate the use of sidewalks and all structures in, under, or above them; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions; to prescribe hours for cleaning sidewalks.

43. *Sweepings* - To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids, or other unwholesome materials into any public way or on any public or private property in the town.

44. *Vehicles* - To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.

45. *Voting machines* - To purchase, lease, borrow, install, and maintain voting machines for use in town elections.

46.] (c) *General authority* - In addition to all the powers granted to the council by this charter or any other provision of law, the council may exercise any power or perform any function which is not now or hereafter denied to it by the Constitution of Maryland, this charter, or any applicable law passed by the General Assembly of Maryland. The enumeration of powers and functions in this charter or elsewhere shall not be deemed to limit the power and authority granted by this section.

(NOTE: Underlining indicates language added to the Charter
[**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 9, 2008 and that the Amendment to the Town Charter hereby proposed by this enactment shall be and become effective on February 28, 2008, unless a proper petition for a referendum hereon shall be filed as permitted by law.

Section 3. AND BE IT FURTHER RESOLVED, that a complete and exact copy of this Resolution shall be posted at the Town Hall, 4301 Willow Lane, Chevy Chase, Maryland 20815 until at least February 18, 2008 and a fair summary of this Resolution shall be published in a newspaper of general circulation in the Town of Chevy Chase not less than four (4) times, at weekly intervals before February 18, 2008.

Section 4. AND BE IT FURTHER RESOLVED, that as soon as the Charter Amendment hereby enacted shall become effective, either as herein provided or following a referendum, the

Resolution No. 07-12
Charter Amendment No. 07

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 Charter Amendment: (1) the complete text of this Amendment to the Town Charter as hereby enacted; (2) the date of the referendum election, if any, held with respect thereto; (3) the number of votes cast for and against the question concerning the Charter Amendment, whether by the Town Council or in a referendum; and (4) the effective date of the Charter Amendment.

Section 5. AND BE IT FURTHER RESOLVED, that the Mayor be and is hereby specifically enjoined and 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) appropriate certificates of publication of the newspaper in which a fair summary of this Resolution shall have been published and (2) the return receipts of the mailing referred to in Section 4, and shall further complete and execute the Certificate of Effect attached hereto.



Linna Barnes, Mayor



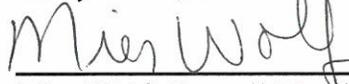
Rob Enelow, Council Member



Lance Hoffman, Council Member



Kathy Strom, Council Member



Mier Wolf, Council Member

ATTEST:



Lance Hoffman, Secretary