

**Town of Chevy Chase  
(Applicability of County Code)**

Ordinance No.: 24-06  
Introduced: 3/20/24  
Adopted: 4/10/24  
Effective: 5/10/24

AN ORDINANCE TO AMEND SECTION 1-7 OF THE TOWN  
CODE TO ALLOW CERTAIN COUNTY LAWS TO APPLY IN THE  
TOWN, TO EXEMPT THE TOWN FROM CERTAIN LAWS, AND  
TO CLARIFY THE TOWN'S GENERAL EXEMPTION.

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, 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 4-111, as amended, authorizes a municipality to exempt itself by ordinance from County legislation related to a subject on which the municipality has legislative authority;

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, on the 23<sup>rd</sup> day of July, 2013, the Montgomery County Council enacted Bill No. 41-12, effective on the 1<sup>st</sup> day of March, 2014, amending County Code Chapters 8, 19, and 49, concerning conservation measures for trees in County and State rights-of-way;

WHEREAS, the Town Council finds that Bill No. 41-12 would create an additional unnecessary level of regulation and burden on residents, as residents must already comply with the Maryland Roadside Tree law and Town requirements;

WHEREAS, the Town Council finds that the Maryland Roadside Tree law, and the Town's tree planting program adequately promote right-of-way tree maintenance, removal, and planting in the Town;

WHEREAS, the Land Use and Long Range Planning Committees provided a joint report assessing whether Section 1-7 of the Town Code should be amended, as the applicability of certain

Chapters of the County Code had not been reviewed for several years and some Chapters of the County Code have been amended, removed, and replaced;

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in an open meeting conducted on the 20th day of March, 2024;

WHEREAS, after proper notice to the public, the Town Council considered the following Ordinance in public session assembled on the 10th day of April, 2024;

WHEREAS, based on the joint report, 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;

THEREFORE, BE IT ORDAINED AND ORDERED, this 10th day of April, 2024, by virtue of the authority given to it by the Maryland Code and the Town of Chevy Chase Charter, the Town Council of the Town of Chevy Chase does hereby adopt the following ordinance.

SECTION 1. BE IT ORDAINED AND ORDERED, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the aforementioned authority, that the Town Code is hereby amended to read as follows:

\* \* \*

Sec. 1-7. Applicability of county legislation within town.

(a) Except as provided in this section, the town council exempts the town from all legislation heretofore or hereafter enacted by the county, relating to any subject upon which the town council has heretofore or is hereafter granted legislative authority either by public general law or by the town charter.

(b) Subsection (a) of this section does not repeal or prohibit any town ordinance that specifically adopts or incorporates by reference any county legislation, and such county legislation adopted or incorporated as of the adoption of this section or incorporated by references into this Code in the future shall have full force and effect to the extent provided in the town ordinance adopting or incorporating the same.

(c) The following chapters of the Montgomery County Code, ~~1984~~, or portions thereof, ~~enacted by the county~~, **as such may be amended, or relocated**, are exceptions to the general exemption set forth in subsection (a) of this section and shall be applicable within the town until such time as the town council shall exempt the town from their application:

(1) Chapter 1, entitled "General Provisions," shall apply within the town only to the extent that such application is necessary to effectively implement other county laws that apply within the town.

(2) Chapter 2, entitled "Administration," shall apply within the town only to the extent that such application is necessary to effectively implement other county laws that apply within the town.

(3) Chapter 2B, entitled "Agricultural Land Preservation."

(4) Chapter 3, entitled "Air Quality **Control.**"

(5) Chapter 3A, entitled "Alarms," but the application of the chapter shall not be construed to supersede any provisions of this Code or the town covenants.

(6) Chapter 5, entitled "Animal Control."

**Chapter 5A, entitled "Arts & Humanities."**

(7) Chapter 7, entitled "Bicycles."

(8) Chapter 8, entitled "Buildings," **except that sections 8-26(n) and 8-26(o), concerning roadside trees, shall not apply within the town.**

(9) Chapter 8A, entitled "Cable Communications."

(10) ~~Chapter 9, entitled "Cemeteries and Burials."~~

(11) Chapter 10**A**, entitled "~~Group Day Care Centers~~ **Child Care.**"

(12) Chapter 11, entitled "Consumer Affairs **Protection.**"

(13) Chapter 15, entitled "Eating and Drinking Establishments."

(14) Chapter 17, entitled "Electricity."

(15) Chapter 18, entitled "Elm Disease."

(16) Chapter 19, entitled "Erosion, Sediment Control and Stormwater Management," **except that section 19-71, concerning roadside trees, shall not apply within the town.**

(17) Chapter 21, entitled "Fire and Rescue Services."

(18) Chapter 22, entitled "Fire Safety Code."

(19) ~~Chapter 23, entitled "Gaming."~~

~~(20)~~ Chapter 23A, entitled "Group ~~Residential Care Facilities~~ **Homes.**"

~~(21)~~ Chapter 24, entitled "Health and Sanitation."

~~(22)~~ Chapter 24A, entitled "Historic Resources Preservation."

~~(23)~~ Chapter 25, entitled "Hospitals, Sanitariums, Nursing and Care Homes."

~~(24)~~ Chapter 26, entitled "Housing **and Building Maintenance** Standards."

~~(25)~~ Chapter 27, entitled "Human Relations and Civil Liberties."

**Chapter 27A, entitled "Individual Water Supply and Sewage Disposal Facilities."**

~~(26)~~ Chapter 29, entitled "Landlord-Tenant Relations."

~~(27)~~ Chapter 30A, entitled "Montgomery County Municipal Revenue Program."

~~(28)~~ Chapter 30B, entitled "~~Massage Establishments and Massage Technicians.~~"

~~(29)~~ Chapter 31, entitled "Motor Vehicles and Traffic."

~~(30)~~ Chapter 31B, entitled "Noise Control."

~~(31)~~ Chapter 31C, entitled "~~Obscene Matter~~ **New Home Builder and Seller Registration and Warranty.**"

~~(32)~~ Chapter 32, entitled "Offenses—~~Miscellaneous~~ **Victim Advocate.**"

~~(33)~~ Chapter 33A, entitled "Planning Procedures."

~~(34)~~ Chapter 33B, entitled "Pesticides."

~~(35)~~ Chapter 34, entitled "Plumbing and Gas Fitting."

~~(36)~~ Chapter 35, entitled "Police."

~~(37)~~ Chapter 36, entitled "~~Pond, Well and Excavation Standards~~ **Safety.**"

~~(38)~~ Chapter 37, entitled "Public Welfare."

~~(39)~~ Chapter 39, entitled "Rat Control."

~~(40)~~ Chapter 40, entitled "Real Property."

~~(41)~~ Chapter 41, entitled "Recreation and ~~Recreational~~ Facilities."

~~(42)~~ Chapter 41A, entitled "~~Rent Relief in Lieu of Tax Credits~~ **Rental Assistance.**"

~~(43)~~ Chapter 44, entitled "Schools and Camps."

~~(44)~~ Chapter 44A, entitled "Secondhand Personal Property."

~~(45)~~ Chapter 45, entitled "Sewers, Sewage Disposal and Drainage."

~~(46)~~ Chapter 46, entitled "Slaughterhouses."

~~(47)~~ Chapter 47, entitled "~~Solicitors, Hawkers and Peddlers~~ **Vendors.**"

~~(48)~~ Chapter 48, entitled "Solid Wastes (**Trash**)," except to the extent it is in conflict with any provision of this Code.

~~(49)~~ Chapter 50, entitled "Subdivision of Land."

~~(50)~~ Chapter 51, entitled "Swimming Pools."

~~(51)~~ Chapter 52, entitled "Taxation."

~~(52)~~ Chapter 53, entitled "Taxicabs ~~and Limousines.~~"

~~(53)~~ Chapter ~~55,~~ entitled "~~Unsafe Buildings.~~"

~~(54)~~ Chapter 57, entitled "Weapons."

~~(55)~~ Chapter 58, entitled "Weeds."

~~(56)~~ Chapter 59, entitled "Zoning."

~~(57)~~ Chapter ~~86,~~ entitled "~~Washington Suburban Sanitary District.~~"

~~(58)~~ Chapter ~~87,~~ entitled "~~Washington Suburban Transit District.~~"

~~(d) Any amendment to the provisions and chapters specified in subsection (c) of this section or the enactment of new chapters to the Montgomery County Code after June 11, 1988, concerning the same subject matter, shall be applicable within the corporate boundaries of the town until the town council adopts an ordinance which exempts such amendment or new chapter within the corporate boundaries of the town.~~

~~(e)~~ **(d)** The county is requested to enforce the chapters described in subsection (c) of this section within the town as county laws to the same extent and in the same manner that such county laws are enforced in unincorporated areas of the county.

(f) ~~(e)~~ Whenever county and town legislation apply within the town on the same subject matter, they shall be construed together in such manner as to both be effective within the town. Notwithstanding the provisions of subsection (c) of this section, whenever a conflict exists between a provision of this Code and a county law that applies within the town as a county law, the Town Code provision supersedes the conflicting county law. Nothing contained in subsection (c) of this section repeals or otherwise affects any town ordinance.

(g) ~~(f)~~ Nothing contained in this section limits or otherwise affects the town's authority, whether exercised previously or in the future, to request the enforcement of town legislation in whole or in part by the county and to enter into agreements providing for the same.

(h) ~~(g)~~ Nothing contained in this section repeals or impairs any agreement or authorization previously executed between the town and county, until done so by consent of the town and county.

(i) ~~(h)~~ Nothing in this section repeals any town ordinance which specifically adopts or incorporates by reference any county legislation, and until so repealed by act of the town council.

(j) ~~(i)~~ Nothing in this section limits or otherwise affects the town's authority to adopt by reference any law or regulation of the county as its own law or regulation.

(k) ~~(j)~~ Notwithstanding the specific exemptions to the general exemption from the application and effect of county legislation and regulations set forth in this section, county laws and regulations apply in each of the following situations:

(1) A law or regulation is enacted by the county council ~~sitting as a board of health for the county~~ **for application county-wide, in accordance with the procedures set forth in Maryland Code, Local Government Article, Section 4-111, as amended, replaced, or relocated.**

(2) A law or regulation is enacted by the county **council**, involving county revenue or taxation ~~pursuant to the provisions of article 81 of the Annotated Code of Maryland~~ **subject to the Maryland Code, Local Government Article, Title 16, Subtitle 5 and Title; the Tax – General Article; or the Tax – Property Article,** as amended, **replaced, or relocated.**

(3) The Maryland General Assembly, by express provisions of public general law, so provides.

\* \* \*

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 day of 10<sup>th</sup> day of May 2024 (30 days after adoption).

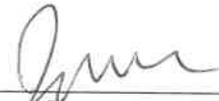
ATTEST:



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Stephanie Martz, Secretary

TOWN OF CHEVY CHASE



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Irene Lane, Mayor  
Town of Chevy Chase

**Bold and Underline** indicates new material

~~Strike through~~ indicates material deleted

\* \* \* indicates material unchanged