

**Town of Chevy Chase
(Real Property Sale Disclosure)**

Ordinance No.: 24-08
Introduced: April 10, 2024
Adopted: May 15, 2024
Effective: June 14, 2024

**AN ORDINANCE TO REQUIRE A REAL PROPERTY SALE
DISCLOSURE REGARDING TOWN REGULATIONS.**

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, 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, after proper notice to the public, the Town Council introduced the following Ordinance in an open meeting conducted on the 10th day of April 2024;

WHEREAS, after proper notice to the public, the Town Council considered the following Ordinance in public session assembled on the 15th day of May 2024;

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

THEREFORE, BE IT ORDAINED AND ORDERED, this 15th day of May 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:

Chapter 6 – Real Property Sales

Sec. 6-1. [Reserved].

Sec. 6-2. Real Property Sale Disclosure

- (a) On or before entering into a contract for the sale of real property in the town, the owner or agent of the property must provide the prospective buyer(s) with a Town of Chevy Chase, Maryland Disclosures in accordance with subsection (c) of this section. At the time the disclosure is delivered, each buyer must sign and date a written acknowledgment of receipt of the disclosure. The disclosure shall be included in or attached to the contract of sale. A copy of the fully signed disclosure must be provided to the town within thirty (30) days from the date of the closing.
- (b) This section does not apply to a tax sale; sheriff's sale; sale by foreclosure, partition or court-appointed trustee; deed in lieu of foreclosure; transfer by a fiduciary in the course of the administration of an estate, guardianship, conservatorship, or trust; transfer to a spouse, former spouse, domestic partner, former domestic partner, parent, sibling, child or grandchild; or transfer solely to provide a security or leasehold interest.
- (c) The disclosure required by this section, shall provide the following:

The subject property is located within the Town of Chevy Chase, an incorporated municipality and political subdivision of the State of Maryland. The Town is operated by a 5-member Town Council and managed by a professional staff. The Town Council is elected by the residents, and Councilmembers serve 2-year terms. The Town provides services to its residents beyond those provided by Montgomery County, including trash and recycling removal, leaf collection, composting, building regulation, and supplemental public safety. Permit parking has been instituted on certain streets in the Town. More information about the Town's programs and services, including the building and permitting requirements, and the designated permit parking areas, can be reviewed on the Town's website. www.townofchevychase.org

NOTICE OF BUILDING REGULATIONS (Town Code, Ch. 4)

Building permits are required by both the Town and the County. The Town imposes special building requirements to preserve green space, light and air between buildings and the uniformity of building setbacks, among other purposes. Building permits are required by the Town for buildings, additions, accessory structures, fences, driveways, curb cuts, and the like.

NOTICE OF WATER DRAINAGE REQUIREMENTS (Town Code, Ch. 28)

The Buyer is notified that the Town of Chevy Chase, MD requires a water drainage plan for certain development activity, in order to facilitate proper management of water drainage in the Town. Among other requirements, the plan must include measures to retain on site the greater of: (1) the volume of stormwater runoff from new impervious surfaces for a 3-month storm event; or (2) the volume by which post-construction runoff exceeds pre-construction runoff from all impervious surfaces for a 10-year storm event. For a storm event greater than a 3-month storm event, but not more than a 10-year storm event, a water drainage system shall also be designed so as not to allow site runoff at a rate greater than the pre-construction rate. This plan is in addition to the requirements imposed by Montgomery County, Maryland.

The requirements contained in Chapter 28 of the Code of Ordinances of the Town of Chevy Chase can be reviewed on the Town's website. www.townofchevychase.org

NOTICE OF URBAN FOREST REQUIREMENTS (Town Code, Ch. 29)

The Buyer is notified that the Town of Chevy Chase, MD requires a permit to be issued by the Town to remove a regulated tree, in order to protect and preserve the tree canopy in the Town. Regulated trees are those that measure at least 24 inches in circumference at 4.5 feet above the ground. Unless a tree is dying, dead, in danger of falling, or constitutes a hazard, a public hearing is required to obtain a permit for removal. At the hearing, the Town Council will consider several factors in determining whether removal is appropriate. Among other requirements, reforestation may be necessary. These tree protection requirements are in addition to the requirements imposed by Montgomery County, Maryland.

The requirements contained in Chapter 29 of the Code of Ordinances of the Town of Chevy Chase, including the criteria considered by the Town in evaluating a request, can be reviewed on the Town's website. www.townofchevychase.org

NOTICE OF NOISE CONTROL; GASOLINE-POWERED EQUIPMENT RESTRICTIONS (Town Code, Ch. 16)

The Town implements noise restrictions in addition to those imposed by Montgomery County, MD. Of note, it is unlawful to operate in the Town a gasoline-powered blower at any time. It is 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.

The noise control requirements contained in Chapter 16 of the Code of Ordinances of the Town of Chevy Chase can be reviewed on the Town's website. www.townofchevychase.org

A fully signed copy of this disclosure must be provided by the Buyer to the Town Manager within thirty (30) days from the date of the closing.

(d) A buyer's failure to receive the disclosure required by this section does not invalidate the contract or excuse or waive buyer's compliance with the requirements of town laws and regulations.

(e) Violation of this section is declared to be a municipal infraction. The penalty for each violation shall be \$250.00.

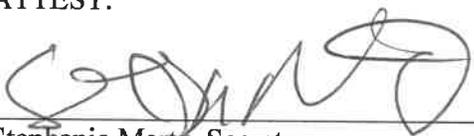
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SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the aforementioned authority, that:

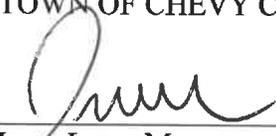
(1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This ordinance shall take effect on the 14th day of June 2024 (30 days after adoption).

ATTEST:


Stephanie Martz, Secretary

TOWN OF CHEVY CHASE


Irene Lane, Mayor
Town of Chevy Chase

Bold and Underline indicates new material

~~Strike through~~ indicates material deleted

* * * indicates material unchanged