

CODE OF ORDINANCES FOR THE VILLAGE OF NORTH CHEVY CHASE

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CHAPTER I GENERAL PROVISIONS

Article 1. Boundaries

Section 1-101. Village Boundaries

The area known as North Chevy Chase, to which these Ordinances apply, is included within the following boundaries:

On the South, the north line of Jones Bridge Road; on the West, the east line of Connecticut Avenue; on the North, a line approximately one hundred feet north of Husted Driveway extended west to Connecticut Avenue; on the East, the west side of Clifford Avenue extending from the North boundary to Jones Bridge Road, and inclusive of 8903, 8905, and 8911 Clifford Avenue, 3503, 3504, 3505, 3506, and 3507 Hutch Place and 8826 McGregor Drive, as annexed to the Village in 2009. The area is more fully described in Article II of the Charter of the Village of North Chevy Chase.

Article 2. Legal Construction

Section 1-201. Continuous Provisions

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Section 1-204. General Rules of Construction

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Section 1-206. Enforcement/Applicability of County Laws

Section 1-207. Enforcement/Penalties

Section 1-201. Continuous Provisions

Those provisions appearing in these Ordinances, so far as they may be the same in substance as provisions which existed at the effective date of these Ordinances, shall be considered as continuations thereof and not as new enactments.

Section 1-202. Titles of Sections.

The titles of the sections of these Ordinances are intended to be generally descriptive of the contents of the sections and shall not be taken to be a part of such sections.

Section 1-203. Severability

The sections, paragraphs, sentences, clauses, and words of these Ordinances are severable and if any word, clause, sentence, paragraph or section of this code shall be declared unconstitutional or otherwise invalid by judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs, and sections of these Ordinances, since the same would have been enacted by the Village Council without the incorporation into these Ordinances of any such unconstitutional or invalid word, clause, sentence, paragraph or section. If any controlling or preemptive State or County law or regulation is in conflict with the operation of these Ordinances, such State or County law or regulation shall prevail.

Section 1-204. General Rules of Ordinance Construction

In the construction of these Ordinances and any future Ordinances the following rules shall be observed unless such construction would be inconsistent with the manifest intent of these Ordinances:

- A. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- B. The singular always includes the plural, and vice versa, except where such construction would be unreasonable.
- C. Unless otherwise provided in a particular section, all words in these Ordinances importing gender apply equally to both genders.
- D. Whenever a provision of these Ordinances refers to any portion of a state or county law, the reference applies to any subsequent amendment to that law, unless the referring provision expressly provides otherwise.
- E. The term "shall" is mandatory and not optional or permissive.

Section 1-205. Definitions

As used in this or other Chapters of these Ordinances, the following words and phrases shall have the following meaning:

- A. "Chair" means the Chair of the Village Council of North Chevy Chase.
- B. "Council" means the Village Council of the Village of North Chevy Chase.
- C. "County" means Montgomery County, Maryland.
- D. "Court" means court of competent jurisdiction.

- E. "Fine" means a monetary sum imposed for an offense or violation of this chapter.
- F. "Infraction" means a violation of the Village Ordinances which shall constitute a civil offense.
- G. "Nuisance" means any condition or activity occurring on property within the Village constituting a violation of these Ordinances, or of county or state law or regulation, as well as any condition or activity constituting a nuisance at common law.
- H. "Penalty" means a monetary sum imposed in addition to the fine.
- I. "Right-of-way" means the entire width between the boundary lines of every public way and thoroughfare of any kind intended for vehicular or pedestrian traffic.
- J. "Roadway" means street or the paved portion of the public right-of-way lying between the curb lines or the lateral lines of a paved area where there is no curb and intended primarily for vehicular traffic.
- K. "Sidewalk" means the improved portion of the public right-of-way lying between a property line and curb line or lateral line of a roadway where there is no curb and intended primarily for pedestrian traffic.
- L. "Street" means roadway.
- M. "Unimproved right-of-way" means any grassy area between the property line and the street, not excepting any portion of that area traversed by a privately constructed driveway.
- N. "Written Notice" means communications to Village residents in an official publication issued by a Public Official and distributed via electronic or physical means.
- O. "Village" means the municipality known as the Village of North Chevy Chase.
- P. "Village Charter" means the Charter of the Village of North Chevy Chase, adopted pursuant to Resolution 13-367 of the Montgomery County Council, effective as of January 12, 1996 and as subsequently may be amended.

Section 1-206. Enforcement/Applicability of County Laws

- A. These Ordinances are supplemental to the laws and regulations enacted by Montgomery County which apply within the Village. To the extent that any County or state law, rule, or regulation provides for more stringent requirements than those set forth in these Ordinances, such more stringent requirements will control.
- B. These Ordinances may be enforced by the Village and/or the County.

However, the Village shall have the responsibility, at its sole discretion, for enforcing those provisions of these Ordinances that are more stringent than County law on the same subject.

- C. The fact that any provision of these Ordinances may be similar to any County law, or may regulate a subject also regulated by County law, shall not preclude the County from, or relieve the County of, its responsibility for enforcing County laws within the Village.

Section 1-207. Enforcement/Penalties

- A. Except where otherwise provided, a violation of any provision or requirement of these Ordinances shall constitute an infraction which shall be a civil offense for which a monetary fine may be imposed. Unless otherwise provided, each day the violation continues shall constitute a separate and repeat offense or infraction.
- B. The Village Council may by resolution:
 - a) Establish fines not to exceed \$1000 for each infraction. In the event that an infraction results in damage to or destruction of Village property, in addition to the fine, the property owner shall be liable to the Village for the full amount of the damage incurred as a result of the infraction.
 - b) Establish an additional penalty to be imposed upon failure either to timely pay any fine imposed or to timely request a hearing on the charge. Said additional penalty shall not exceed an amount equal to the initial fine.
 - c) Establish a fine for any repeat infraction that is double the fine for an initial infraction provided that no fine for any one offense shall exceed \$1000, exclusive of any penalty imposed for non-payment of a fine.
- C. The Village shall have the authority to issue a civil citation charging the existence of an infraction, to be enforced in the District Court for Montgomery County.
 - a) The citation shall be in the form authorized by the Chief Judge of the Maryland District Court for the prosecution of violations of municipal laws. The citation shall include the amount of the fine imposed for the infraction and the manner in which it is to be paid, and notice of the right to elect to stand trial for the infraction.
 - b) A person found to have committed an infraction is liable for the costs of the proceedings in the District Court, and for the costs to the Village of legal representation.

- c) Upon finding that a defendant is guilty of an infraction, the Court may:
 - i. Impose the fine assessed and any additional penalty established by the Village pursuant to subsection (b) of this section.
 - ii. Order the defendant to refrain from further violations of Village Ordinances.
 - iii. Order the defendant to correct or abate any violation of these Ordinances.
 - iv. Authorize the Village to correct, at the defendant's expense, any condition that violates these Ordinances.
 - v. Any fine or penalty collected by the District Court must be paid to the Village. The willful failure of a defendant to pay any fine, penalty, or costs imposed by the Court is punishable as contempt of Court.
- D. In addition to any other remedy provided for in these Ordinances, the Village Council may institute injunctive or other appropriate civil action or proceedings to seek enforcement, or to correct any violation, of these Ordinances, and any court of competent jurisdiction may issue such injunctions, restraining orders, or other appropriate forms of relief.
- E. In addition to, and/or in lieu of, any other remedy provided for in these Ordinances, if the Village Council, by written notice, directs the owner of property within the village to remove unsightly debris from, or abate any nuisance on, said property within a reasonable period of time, and the owner does not comply within said time set forth in the notice, the Village Council, through its agents, may enter upon said property and abate the nuisance and have the required work done, at a reasonable price, and may assess the cost against the property of the delinquent party, the same to become a lien against the property and to be collected in the same manner as County property taxes are collected and disbursed to the Village Treasurer.
- F. The provisions of these Ordinances may be enforced by any duly authorized employee, official, or representative of the Village Council and/or by any duly authorized police officer of Montgomery County or the State of Maryland.