

CHARTER FOR CHEVY CHASE VIEW

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Sec. 1 Constituted municipality; boundaries defined.

A municipality is hereby created in Montgomery County, Maryland, to be known as Chevy Chase View. The boundaries of the said municipality shall be as follows: Beginning for the same at the southwesterly most corner of Lot 11, Block B as shown in a plat of subdivision entitled "PLAT SHOWING A RESUBDIVISION OF BLOCKS 1 AND 2 in The Subdivision Called "CHEVY CHASE VIEW" Montgomery County, Maryland," and recorded in Plat Book 3 at Plat Number 246, said point also being on the easterly right of way line of the COUNTY ROAD, presently known as Cedar Lane, as shown on said plat. Said point of beginning also being the southwesterly corner of Lot 1, Block 1 and on the easterly right of way line of the Public Road as shown on a plat of subdivision entitled "PLAT OF CHEVY CHASE VIEW" and recorded in Plat Book 2 at Plat Number 124, thence with the easterly right of way line of the abovementioned COUNTY ROAD/Public Road, hereinafter referred to as Cedar Lane as shown on the two (2) abovementioned plats of subdivision the fourteen (14) following courses and distances

1. North 28° 23' 00" East, 877.33 feet to an angle point in the westerly line of Lot 1, Block 6 as shown on the second above mentioned plat of subdivision, thence with the outlines of said plat
2. North 32° 40' 00" East, 1085.02 feet to a point, thence
3. North 38° 05' 00" East, 356.34 feet to the southwest corner of a plat of subdivision entitled "LOTS 13-A, 13-B, & OUTLOT A, BLOCK 15, BEING A RESUBDIVISION OF LOT 13, BLOCK 15, CHEVY CHASE

VIEW" and recorded in Plat Book 47 as Plat Number 3614, thence with the westerly most line of said plat and still with the outlines of Plat Book 2 at Plat Number 124

4. North 37° 19' 40" East, 134.92 feet to a point on the easterly right of way line of Cedar Lane, thence leaving said easterly right of way line and the outlines of Plat Book 47 at Plat Number 3614 and crossing Cedar Lane with the outlines of Plat Book 2 at Plat Number 124
5. North 59° 07' 29" West, 61.98 feet to the westerly right of way line of Cedar Lane at the southwesterly property corner of Lot 1, Block 19 as shown in Plat Book 2 at Plat Number 124, thence with the westerly line of Lot 1, Block 19
6. North 24° 21' 20" East, 330.00 feet to the northwesterly corner of Lot 1, Block 19, thence with the northerly line of said Plat Book 2 at Plat Number 124
7. South 37° 40' 42" East, 58.57 feet to a point, thence
8. South 67° 22' 00" East, 766.55 feet to the easterly right of way line of Cedar Lane, said point also being the northwesterly corner of Block 18-A as shown on a plat of subdivision entitled "BLOCKS 16-B & 18-A CHEVY CHASE VIEW Resubdivision of Parts of Blocks Nos. 16 and 18 in the Subdivision called CHEVY CHASE VIEW, Montgomery County, Maryland." and recorded in Plat Book 3 at Plat Number 268, thence with all of the northerly line of said plat of subdivision and still with the outlines of Plat Book 2 at Plat Number 124, said line also being the southerly line of Block 13 as shown on a plat of subdivision entitled "KENSINGTON PARK" and recorded in Plat Book B as Plat Number 4
9. South 68° 38' 00" East, 2008.54 feet to the northeasterly end thereof, said point also being the northeasterly corner of Lot 8, Block 1 as shown on a plat of subdivision entitled "Plat of "Kensington Gardens." The Resubdivision of Blocks 9, 10, 11 and 12 of Chevy Chase View" and recorded in Plat Book 2 as Plat Number 191, thence with the outlines of said plat of subdivision and Plat Book 2 at Plat Number 124 the four (4) following courses and distances
10. South 20° 05' 00" West, 783.31 feet to a point, thence
11. South 59° 24' 00" West, 833.78 feet to a point, thence
12. South 08° 48' 00" West, 924.75 feet to the southeasterly most corner of Plat Book 2 at Plat

Number 191 and Plat Book 2 at Plat Number 124, thence with the southerly most line of both and the northerly right of way line of Handford Street, presently known as Saul Road, as shown in Plat Book 2 at Plat Number 124

13. North 79° 58' 00" West, 1559.99 feet to an angle point in the southerly most line of Lot 3, Block D as shown on the abovementioned Plat Book 3 at Plat Number 246, thence with the southerly line of said plat and still with the outlines of Plat Book 2 at Plat Number 124 and the northerly right of way line of Saul Road
14. North 70° 38' 00" West, 1416.92 feet to the point of beginning containing 165.71946 acres of land.

Sec. 2. Definitions.

For the purposes of this Charter, the following terms, wherever they appear in this Charter, shall have the meanings stipulated in this section:

"Chevy Chase View" shall mean the municipality herein created.

"Eligible Voter" shall mean any registered and qualified voter of Montgomery County residing in Chevy Chase View who is eighteen (18) years of age or older.

"Council" shall mean the Council of Chevy Chase View, the governing body hereinafter created to administer the authority and carry out the duties herein granted to the municipality.

"County" shall mean Montgomery County Maryland.

"County Council" shall mean the County Council of Montgomery County Maryland.

"Department of Finance" shall mean the Department of Finance of Montgomery County Maryland, or any successor agency.

"Assessable Improvement" shall mean paving, grading, or any public improvement specifically benefiting any property in Chevy Chase View, including but not limited to, laying sidewalks, curbs, gutters, sewers and other public improvements situated in whole or in part in Chevy Chase View.

"Town Manager" or "Manager" shall mean the Town Manager appointed by the Council as provided in this Charter.

Sec. 3. Council and Town Manager; qualifications; duties; meetings; quorum; surety bond.

A. There is hereby established a Council of five members for Chevy Chase View to act as the legislative body, to administer the affairs, to fulfill the obligations and to carry out the responsibilities of Chevy Chase View, all as provided in this Charter. To assist and implement the work of the Council, a town Manager shall be appointed by the Council to: maintain and act as custodian for all the records of Chevy Chase View; to act at the behest of the Council to maintain liaison with the residents of Chevy Chase View and other governmental agencies; and to perform such other duties as the Council may delegate. Members of the Council shall be registered and

qualified voters of Montgomery County residing in Chevy Chase View, and eighteen (18) years of age or older and shall be elected for two-year terms as hereinafter provided.

B. The Council shall elect one person from among its members to be Chair, whose special duties shall include presiding at meetings of the Council and countersigning checks drafted by the Town Manager. The Council shall meet at times and places of its choosing to transact such business as may properly come before it, and the Town Manager shall keep accurate minutes of all such meetings. Three members of the Council shall constitute a quorum for the transaction of business; provided, however, that all actions involving the election of a Chair, the certifying of tax rate, expenditure of Chevy Chase View funds, or the appointment or removal of the Town Manager, shall require the affirmative vote of at least three members of the Council.

C. The Town Manager shall be appointed by a vote of three members of the Council. The Town Manager shall serve at the will of the Council and can be removed by a vote of three members of the Council. The Town Manager shall be the custodian of all the records, correspondence and other documents and property of Chevy Chase View and shall attend the meetings of the Council to keep the minutes. The Town Manager shall prepare, sign and issue correspondence on official matters as directed by the Council, and otherwise perform the usual duties of a Town Manager. The Town Manager shall be the custodian of all funds that are received to the credit of Chevy Chase View and shall deposit all funds in such investments as are authorized for municipalities by State law and which are permitted by an investment policy adopted by the Council. The Town Manager shall pay out of such funds only in accordance with this Charter as the Council instructs, by check duly signed by two Council members, one of whom shall be the Chair or an Acting Chair designated by the Council and the other of whom shall be the Treasurer or Assistant Treasurer, who shall be so designated by the Council. Compensation for the position of Town Manager shall be set as part of the annual budget approval process and shall be comparable to similar positions in jurisdictions of similar size and character in Montgomery County.

D. The Town Manager and each Council member who is authorized to sign checks shall give bond, with surety approved by the Council in a sum fixed by the Council, conditioned upon the faithful accounting by that person for all monies that shall come into the possession of the Town Manager or Council member and transfer control of funds that remain in the Town Manager's or Council member's hands upon the termination of such person's tenure of office.

Sec. 4. Reserved.

Sec. 5. Election procedure.

A. Not later than the 1st day of April in each year, the Council of Chevy Chase View shall appoint three persons who are residents of Chevy Chase View to serve as a Nominations Committee. The committee shall, no later than the 7th day of April, distribute to each residence in Chevy Chase View a notice of the election to be held in May following, together with a form upon which any person who by law is an eligible voter in Chevy Chase View elections may make nominations to the offices for which such election is to be held. This notice shall specify that nominations by such

voters shall be delivered to any member of the Nominations Committee on or before the 21st day of April of the particular year and shall state the date of the election.

B. Upon receipt of the names of the persons nominated, the Nominations Committee shall determine the willingness of eligible nominees to serve if elected. If any nominee shall signify his or her unwillingness to accept the office to which he or she has been nominated, the name of such nominee shall thereupon be stricken from the list of candidates for such office. In addition to the nominations made by eligible voters, the Nominations Committee may on its own determination make other nominations to any of the offices for which the election is to be held. The Nominations Committee shall report to the Council the names of the persons nominated not later than the 23rd day of April of said year. If the number of nominees for the Council so reported does not exceed the number of Council positions to be filled in that election, the nominees so reported shall be deemed elected as of the second Tuesday of May of said year and no balloting shall take place. If the number of nominees for the Council so reported exceeds the number of Council positions to be filled, an election shall be held in accordance with sub-sections C. through J. below.

C. The Council shall designate and appoint an Election Board consisting of two residents of Chevy Chase View to act as Judges and two residents to act as Tellers at the election. No Judge or Teller shall be a candidate for any of the offices for which the election is to be held; nor may any Judge or Teller be elected by virtue of "write-in votes;" nor shall any Judge or Teller be related in any degree of kinship to any such person, whether by blood, collaterally, or by marriage.

D. On or before the last Tuesday in April, the Council of Chevy Chase View shall distribute to all residences in Chevy Chase View a notice containing the names of all candidates and specifying the date and hours and place of balloting, which shall be fixed and designated by the Council. This notice shall also contain the names of the Judges and Tellers. In even-numbered years two seats on the Council shall be subject to election; in odd-numbered years the other three seats on the Council shall be subject to election.

E. On the second Tuesday in May of each year or within seven calendar days thereof, an election shall be held. Elections shall be by ballot in the manner described herein. Only registered and qualified voters of Montgomery County residing in Chevy Chase View who are eighteen (18) years of age or older on the date of such election shall be entitled to vote. If any newly elected Council member fails to qualify, or if any Council member shall remove his or her residence from Chevy Chase View, the office shall be deemed to have become vacant. The Council by majority vote shall fill vacancies in the Council, and such person(s), upon qualification as required of a newly elected official, shall serve for the remainder of the unexpired term.

F. The polls shall be open for balloting during the hours of 7:00 pm to 9:00 pm on the day of the election unless otherwise specified in the election notice. All votes shall be cast in person; provided, however, that eligible voters who cannot vote in person may obtain an absentee ballot from the Election Judges at any time prior to 6:00 pm the day preceding the election. Absentee ballots not in the hands of the Election Judges prior to the closing of the polls will not be counted. Each voter shall be entitled to vote for as many candidates as there are offices to be filled by the

election. Any eligible voter may vote for any person eligible for office, whether or not that person's name appears on the ballot.

G. When balloting has been concluded, the Tellers shall count the votes lawfully cast and report the same to the Judges. The Judges shall then determine the number of votes cast for each candidate for the office of member of the Council, and the Judges shall declare elected as many of said candidates as there are offices to be filled, in the order of the number of votes cast for them. Thereupon, the Judges shall certify the names of all elected candidates, and such candidates shall then take office after taking oath as prescribed by law. In the event of a tie vote that prevents the Judges from certifying the successful candidates for any office, a run-off election shall be held not later than the second Tuesday in June of said year; such tie shall not prevent successful candidates certified by the Judges from taking office. Furthermore, a Council member whose term has expired shall be permitted to serve until the results of the run-off election are known. If more than one such Council member desires to continue to serve, they shall draw lots to determine who shall continue to serve.

H. In the event that any contest shall arise in the election of candidates, the Judges shall decide such contest and certify their decision to the Council.

I. Following the election, each newly elected official shall qualify within ten days by taking oath before any officer in Montgomery County authorized by law to administer oaths, to discharge diligently and faithfully all duties of the office.

J. All expenses incurred to conduct an election shall be paid from the general funds of Chevy Chase View.

Sec. 6. Annual levy generally.

A. The Council of Chevy Chase View is hereby authorized, empowered and directed to levy taxes on the real and personal property subject to taxation in Chevy Chase View, and cause those funds to be collected by Montgomery County from the owners of the property. The tax shall be levied on the assessed valuation of the real property in Chevy Chase View, in amounts certified to the County Council by the Council of Chevy Chase View.

B. During the third week in April of each year, and prior to certifying the tax rate to the County Council, the Council of Chevy Chase View shall hold a public meeting on its proposed budget for the forthcoming fiscal year. Notice of the time and place of such meeting shall be published at least once in a newspaper of general circulation in Chevy Chase View in Montgomery County. Each such budget shall show the estimated expenditures for the coming fiscal year for each of the budget items authorized in Sec. 7. and the estimated receipts to be collected from the tax rate proposed to be set and from other sources. The budget shall also contain a similar report of receipts and expenditures (including estimates for the balance of the fiscal year) and for the then current fiscal year. The Council shall hear all proper comments and suggestions on the proposed

budget offered at the meeting, and shall give them due consideration in determining finally the tax to be certified to the Montgomery County Council.

C. The tax levied in accordance with this section shall be collected and shall be subject to the same penalties and interest as all other County taxes, and the amounts so collected shall be paid over by the Department of Finance of Montgomery County to the Chevy Chase View Town Manager.

D. The County Council also shall order and have paid to the Town Manager the proportion of the county road tax to be levied and collected in the same manner as used for other incorporated towns and villages.

E. At or after the public meeting, the annual budget shall be adopted by a resolution of the Council of Chevy Chase View.

Sec. 7. Expenditure of funds; purposes; competitive bidding; members of the Council prohibited from contracting with Council.

A. All funds that shall be received by Chevy Chase View as its share of the county road tax shall be used exclusively for the maintenance and repair of Chevy Chase View roads.

B. All other funds received by Chevy Chase View may be used directly for any public purpose, including but not limited to construction; maintenance and repair of streets and sidewalks; for street lighting and other public improvements; for clerical and other public services, including the removal of snow, garbage and other refuse, and the appropriate disposition thereof including but not limited to recycling; for enforcing building, sanitation and other regulations for the public health, safety, and welfare, and for the operation of the government of Chevy Chase View as the Council may prescribe in accordance with Sec. 9; provided, however, that the Council may not expend funds for any project or work except after reasonable efforts have been made to obtain the best value for Chevy Chase View, taking into consideration the nature and cost of the project. The Council may make no contract for longer than five years.

C. No member of the Council shall furnish any supplies or services for compensation under any kind of contract with the Council.

Sec. 8. Borrowing of money.

A. The Council of Chevy Chase View is hereby authorized and empowered to borrow such sums of money as, in its opinion, may be necessary from time to time for any municipal purpose whatever, to evidence such borrowing by the issuance of its general obligation bonds (the term bonds as used herein shall include bonds, notes, certificates of indebtedness, or other obligation for the payment of money), and, notwithstanding any other statutory limitation, to provide for the levy and collection of all taxes necessary and sufficient for the payment of the principal and interest on said bonds, as the same respectively mature and are payable or necessary for the payment of such interest and to create a sinking fund for the payment of said bonds upon maturity.

Except as otherwise provided herein, no funds may be borrowed hereunder unless the borrowing is duly authorized by the Council and submitted to and approved in a referendum of the duly qualified voters of Chevy Chase View, as the same are described in Sec. 5. hereof. The borrowing shall be initiated by the Council adopting a resolution authorizing the borrowing of the proposed sum or a lesser sum, and stating the purposes for which such funds are to be spent. The resolution authorizing the proposed borrowing shall then be submitted to a referendum of the duly qualified voters who shall be given notice of the referendum at least ten days prior thereto. The notice of the referendum shall (1) state the reasons for the proposed borrowing, (2) contain the full text of the resolution authorizing the proposed borrowing or give a summary thereof and state where a full copy may be examined, and (3) state the time, date and place of the referendum at which the proposed borrowing is to be voted upon. The borrowing shall be approved only if a majority of the duly qualified voters voting on the issue in the referendum shall vote in favor of the proposal. Except to the extent otherwise provided herein, the referendum shall be conducted in all respects in accordance with the law governing referenda in Chevy Chase View at the time of the referendum. The ballots used in any such referendum shall contain the words, "For borrowing for" and "against borrowing for" In the above blank spaces there shall be indicated the purposes of the borrowing to be voted on and a space shall be left after each line for voters to indicate their respective preferences. In the resolution authorizing the borrowing or in a resolution adopted subsequent to said referendum, the Council shall fix and determine the denominations of the bonds, the rate or rates of interest payable thereon, or the method of determining the same, the date of the issuance of said bonds, the date or dates of maturity of said bonds, and the form and tenor of said bonds in advance of the maturity. Said bonds shall be sealed with the corporate seal of Chevy Chase View and signed by the Chairman and countersigned by the Town Manager, or by some member of the Council designated in one of said resolutions. Said bonds shall be offered for sale by solicitation of competitive bids at public sale in accordance with the provisions of Article 31, Section 10 of the Maryland Code as amended from time to time, except that the notice of sale provided for by said section may be published in condensed form if it shall state where a full and complete copy of said notice may be obtained; provided, however, this sentence shall not be applicable to bonds issued pursuant to Article 31, Section 29 of the Maryland Code.

The money arising from the sale of said bonds shall be used only for the purpose specified in one of the above-mentioned resolutions, and said bonds when issued and the interest payable thereon in the hands of the persons from time to time entitled thereto shall be exempt from all State, municipal and County taxation of every kind and nature whatsoever.

This section shall apply, in all respects, to the issuance of bonds by Chevy Chase View pursuant to Article 31, Section 29 of the Maryland Code, except as specifically provided to the contrary therein.

B. Unless otherwise specifically provided, all referenda conducted in Chevy Chase View, pursuant to this Charter or State law, shall be conducted in accordance with this section. All such referenda shall be conducted in all respects in accordance with the law governing elections held in Chevy Chase View at the time of the referendum except that the Council by majority vote shall determine

the date the referendum is to be conducted, which need not, but may be, the second Tuesday of May.

C. Emergency borrowing. The Council of Chevy Chase View shall have the authority to borrow in the name of Chevy Chase View on a short term basis not in excess of eighteen months any sum or sums not to exceed in the aggregate ten thousand dollars at any one time and to issue notes or other evidences of indebtedness for such borrowing. This money may be expended for any municipal purpose. The notes or other evidences of indebtedness shall be sold as provided by the Council. All notes or other evidences of indebtedness issued under the provisions of this section shall be paid from the taxes levied for the general purposes of Chevy Chase View. Levying or collecting any special tax for the payment of these notes or other evidences of indebtedness is expressly prohibited. The notes or other evidences of indebtedness issued under the provisions of this section need not be submitted to a vote of the qualified voters of Chevy Chase View.

Sec. 9. Powers; police and corporate; distribution of ordinances; referendums, etc.

A. The Council shall have all the powers granted to municipal corporations by the Constitution and laws of Maryland including but not limited to the power to adopt such ordinances as the Council deems necessary for the public health, safety, or welfare, or government of Chevy Chase View. The Council also is empowered to adopt reasonable and proper penalties for violations of the ordinances governing Chevy Chase View; and the Council may, in addition to enforcing such ordinances by criminal or municipal infraction prosecution, bring suit in the Circuit Court of Montgomery County in the name of Chevy Chase View, to obtain a decree, order or judgment of that court compelling, by injunction or otherwise, compliance with such ordinances.

B. Chevy Chase View shall have the power to sue and be sued.

C. The Council shall distribute a copy of all new ordinances as adopted to each premises in Chevy Chase View, but failure to receive such copy by any resident shall not invalidate the ordinance nor shall such failure be valid as a defense in any action involving violation thereof. If, within thirty days of the distribution of such ordinances, twenty-five or more registered and qualified voters of Montgomery County and residing in Chevy Chase View request the Council in writing for a referendum vote on any ordinance, the Council shall conduct such a referendum at which those persons eligible to vote at the annual elections shall be permitted to cast ballots. Any ordinance failing to receive a majority of the votes cast in such referendum shall be withdrawn by the Council.

D. Any trial court in Montgomery County shall have the jurisdiction to try and determine any criminal case with respect to violation of such ordinances, and to impose the penalties prescribed by the Council. The sheriff or his deputies, or the County police shall have authority to arrest for any violation of such ordinances, and to execute all writs issued by any court having jurisdiction in connection with such ordinances or with the punishment of persons violating them.

Sec. 10. Special assessments.

A. The Council is hereby empowered to carry out or contract to carry out assessable improvements, and is empowered to assess by ordinance the cost of such assessable improvements against the respective property abutting the assessable improvement as hereinafter provided. For the purposes of determining the proportionate share of the cost of an assessable improvement to be assessed against each abutting property, the Council shall apply the front foot rule of apportionment, or some other equitable basis that the Council may determine. The total assessment shall not exceed the total cost of the project including financing costs. All assessments shall be collected as County taxes are collected in Montgomery County and shall be subject to the same interest and penalties as applied to County real property taxes. Each annual installment shall become a lien against the assessed property, which shall be subject to liquidation in the same manner as a lien against the property resulting from failure to pay County real property taxes. The Council shall also provide in said ordinance the time and terms upon which payment of said assessment shall be made and the rate of interest that shall be charged upon deferred payments.

B. Any action to challenge the validity or application of any special assessment must be filed in the Circuit Court for Montgomery County, Maryland not more than 30 days after the adoption of the assessment ordinance.

Sec. 11. Saving clause.

If any clause, sentence or paragraph, or part of this Charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

During the interval between adoption of the new Charter, incorporation, and the adoption of superseding Ordinances by the Council of Chevy Chase View, the Regulations of the Special Taxing District shall continue in full force and effect as ordinances of the municipality. The individual Regulations may be superseded by applicable Ordinances as they are drafted and approved.