

Chevy Chase View THE REGULATIONS

Definitions

Sec. 1 General:

Wherever the words "person" or "persons" occur in these Regulations they shall be construed as including firms or corporations. Wherever the word "lot" occurs in these Regulations it shall be construed to mean a duly platted and recorded lot as per plat or plats of Chevy Chase View or parts of Chevy Chase View of record. Wherever the word "Council" occurs it shall be construed as meaning "The Council of Chevy Chase View, Montgomery County, Maryland."

Public Service and Police Regulations

Sec. 2 Disturbing the peace, generally:

It shall be unlawful for any person or persons to disturb the public peace or safety by the discharge of firearms; by the discharge or explosion of any fireworks, bombs, torpedoes, or similar devices; by the throwing of stones or missiles in streets, vacant lots, or public places; by drunken, loud, or riotous conduct, noise, whooping, profanity, or vulgar language; by disorderly conduct or disorderly congregation; or by the commission of any nuisance in any manner whatsoever; and any person or persons so offending shall be subject to arrest and punishment as provided in Sec. 18 herein. The foregoing provision against the discharge of firearms shall be construed to prohibit the use of firearms for hunting.

Sec. 3 Disturbing legally constituted gatherings:

It shall be unlawful for any person or persons to molest or disturb any public meeting or gathering of any kind whatsoever, which may be lawfully congregated for any religious, social, political or public purpose; and any person or persons so offending shall be subject to arrest and punishment as provided in Sec. 18 herein.

Sec. 4 Loitering:

It shall be unlawful for any vagrant, tramp, beggar, to lie, recline or loiter or for any such persons to congregate in or about any street, avenue, parking area, sidewalk, road, vacant lot or public place or building, or to be found in, or upon, or around any private building or buildings, or property; and any person or persons so offending shall be subject to arrest and punishment as provided in Sec. 18 herein.

Sec. 5 Obstruction of the Council:

It shall be unlawful for any person or persons to knowingly obstruct or resist any member, officer or authorized agent of the Council, in the discharge of his duties, or to interfere with the performance of any work properly authorized by the Council; and any person or

persons so offending shall be subject to arrest and punishment as provided in Sec. 18 herein.

Sec. 6 Littering of public byways, vacant lots, etc.:

It shall be unlawful for any person or persons to throw, cast, deposit, scatter, drop, or leave in or upon any roadway any tacks, glass, or other material injurious to tires of vehicles; or to throw, cast, deposit, scatter, drop or leave in or upon any street, avenue, right-of-way, sidewalk, parkway, or gutter or upon any vacant lot or unoccupied property any garbage, sawdust, shavings, hay, straw, offal, vegetable matter, trees, brush, paper or refuse matter of any kind whatsoever, except that deposited for public collection as provided for by public notice of the Council, or except otherwise authorized or approved by the Council; and any person or persons so offending shall be liable for the expense necessary to remove said matter, as well as to arrest and punishment as provided in Sec. 18 herein.

Sec. 7 Care of property to avoid public nuisance or fire hazard citation:

It shall be unlawful for the owner of any lot to allow dried grass, weeds, or other vegetable or animal matter, or brush or fallen timber, to accumulate thereon so as to become a public nuisance, or that the same shall constitute a fire hazard. If, in the judgment of the Council such condition shall exist on any lot, the Council or its agents or employees, after due notice to the owner and after an opportunity has been given to him to remedy said condition, may lawfully enter upon said lot to remove such nuisance or fire hazard, without liability for trespass to the real estate unless damage is done thereto unnecessarily, and the cost of the removal thereof shall be reimbursed to the Council by the owner of said lot.

It shall be unlawful for any person to start or to maintain a fire under conditions likely to endanger adjoining property or without taking adequate precautions to prevent such fire from spreading.

Any person or persons violating any of the foregoing shall be subject to arrest and punishment as provided in Sec. 18 herein, in addition to any other methods of enforcement herein provided.

Sec. 8 Defacing or destruction of public property:

It shall be unlawful for any unauthorized person or persons to remove, deface, or injure any street sign, signboard, fence, hedge, gate, railing, porch, building or other structure, public or private by painting, smearing, scratching, writing, cutting, burning or in any other manner whatsoever; or to deface, injure or remove any tree, shrubbery, or flowers, or any road material or surfacing or any portions of the rights-of-way, reservations, streets, highways, or any public or private property; or to break, injure, remove, or tamper with any street light or wiring and posts therefor, light globe, or fire plug; or to put out any street light or to interfere with same in any manner; and any person or persons so offending shall be subject to the expense necessary for the repair or replacement of property, as well as to arrest and punishment as provided in Sec. 18 herein.

Sec. 9 Keeping of animals or fowl that disturb the peace:

It shall be unlawful for any person or persons to keep or harbor any pigs, hogs or cattle or any fowl or animals which in any manner disturb the comfort or quiet of the neighborhood; or for any person or persons to permit any fowl, cattle, horses, or ponies to be at large; and any person or persons so offending shall be subject to arrest and punishment as provided in Sec. 18 herein.

Sec. 10 Protection of songbirds:

It shall be unlawful for any person or persons to kill, trap, maim or destroy, or take or pursue with any contrivance or means whatsoever any song bird or other harmless bird; and any person or persons so offending shall be subject to arrest and punishment as provided in Sec. 18 herein.

Sec. 11 Limitations on fencing, hedging:

It shall be unlawful to erect or maintain a barbed wire fence on property or right-of-way closer than two (2) feet to any property line along a street or avenue; or for a private hedge adjacent to any property line along a street or avenue, or extending thereto, to be trimmed or maintained so as to project nearer than six (6) inches to said line, or to erect a fence or plant or grow a hedge of any kind whatsoever at or near an intersection in such manner as to constitute a traffic hazard; and any person so offending after notice shall be subject to arrest and punishment as provided in Sec. 18 herein.

Sec. 12 Control of noxious materials, generally:

It shall be unlawful for any person or persons to cast or throw, discharge, or cause to flow into any street, avenue, right-of-way, sidewalk, parkway, or gutter, or on any lot, any foul or nauseous liquid or liquids, or other offensive matter of any kind whatsoever; to allow accumulations of any animal or vegetable matter, solid or liquid, or of stagnant water, or to permit the growth of rank vegetation dangerous or hurtful to the neighborhood or likely to become so, upon their property or properties; to allow anything to exist or to permit a condition to arise, upon their property or properties, from which odors or exhalations offensive to other residents of the community or dangerous to the public health shall be given off; or to perform or cause to be performed any act, or to allow any conditions under their control to exist, likely to endanger the public health; or to spread or cause to spread any poisonous matter in such manner as to endanger human beings or domestic animals; or to render the air, food, water, or other drinks unwholesome or unfit for use of man or beast; and any person or persons violating any of the foregoing shall be subject to arrest and punishment as provided in Sec. 18 herein.

Sec. 13 Building Regulations

A. Definitions

1. **Accessory Building:** A building subordinate to, and located on the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land and which is not attached by any part of a common wall or common roof to the main building.
2. **Building:** A structure having one or more stories and a roof, designed primarily for the shelter, support or enclosures of persons, animals or property of any kind.
3. **Building restriction line:** The line established by the setback requirements, which separates the buildable portion of the lot from the portion into which non-exempt structures must not encroach.
4. **Developmental nonconformity:** An existing structure, which was lawful when established, but which no longer conforms to the requirements because of the amendment of these regulations.
5. **Dwelling:** A building for residential use.
6. **Established building line:** A front yard building line, which is the average setback of all buildings that meet these criteria:
 - (a) are within 300 feet of the side property line of the lot in question (excluding corner lots);
 - (b) are along the same side of the street;
 - (c) are between intersecting streets;
 - (d) exist at the time the building application request is filed; and
 - (e) are not nonconforming, unlawfully constructed, or constructed pursuant to a lawfully granted variance.
7. **Frontage:** The length of the front property line of the lot, lots or tract of land abutting a public street, road, or highway.
8. **Height of building:** The vertical distance measured from the average elevation of finished ground surface along the front of the building to:
 - (a) the highest point of roof surface of a flat roof; or
 - (b) the average height level between the eaves and ridge of a gable or other sloping roof.

9. **Lot:** The land designated as a separate and distinct lot or parcel of land on a legally recorded subdivision plat filed among the land records of the county.
10. **Lot line, front:** The boundary line of a lot separating the lot from any and all streets.
11. **Porch:** An above-grade covered platform at the entrance to a building, with sides that are open except for columns and railing.
12. **Setback:** The minimum distance that a structure must be set back from a lot line.
13. **Stoop:** An above-grade uncovered platform, with or without railing, at the entrance of a building.
14. **Street line:** A line defining the edge of a street right-of-way and separating the street from abutting property or lots.
15. **Structure:** An assembly of materials forming a construction including, among others, a building; an accessory building; an open shed; a deck or terrace built above grade level; an in-ground swimming pool or outdoor spa; an above-ground swimming pool or outdoor spa that is not portable or is left in place when not in use; a tennis court; a fence or wall; and a shelter or gazebo. The term structure does not include a basketball pole and backboard; play equipment; a flagpole attached to a building or free-standing; a mailbox; an antenna, solar panel, or satellite dish; a patio, walkway, or driveway built at ground level; landscaping materials, such as timbers, edging, a trellis, or bench; steps and related handrails detached from a building at a change of grade; and portable objects for temporary use, such as a tent, awning, or inflatable wading pool.

B. Restrictions. It is unlawful for any person or persons to erect any building or to make any material additions or alterations to any existing buildings, except under the following conditions:

1. **Setbacks -- front lot line:** No structure hereafter erected on any lot fronting on the north side of Dresden Street between Connecticut Avenue and Summit Avenue may be situated less than 115 feet from the front lot line, or elsewhere in Chevy Chase View closer than the established building line or 35 feet from the front lot line, whichever is greater.
2. **Setbacks – property side line and rear line:**
 - (a) No structure, including a built-in garage, shall be erected within 15 feet of a sideline or within 25 feet of the rear line.
 - (b) No garage, shed, or other accessory building shall be erected within less than 7 feet of a side or rear line.

- (c) No in-ground swimming pool or in-ground outdoor spa shall be erected within 15 feet of a side line or within 15 feet of a rear line, measured from the outer wall of the pool or spa. No pool or spa deck shall be constructed within 10 feet of a side or rear line.
- (d) For any garage, shed or other accessory building with a height greater than 15 feet, the side and rear minimum setback shall be increased from the requirement in subsection (b) above at a ratio of one foot of additional setback for each foot of height in excess of 15 feet.
- (e) For any garage, shed or other accessory building with a length along a rear or side property line which has a linear dimension greater than 24 feet, the minimum setback from that rear or side property line shall be increased from the requirement in subsection (b) above at a ratio of one foot for every 2 feet that the dimension exceeds 24 linear feet. The increased setback required by this subsection (e) shall be in addition to any increased setback required by subsection (d) above, so that the required setback shall be the total of the setbacks required by subsections (b), (d) and (e).

3. **100-foot frontage requirement:** No dwelling or other structure shall be erected upon any lot of less than 100 feet frontage except upon a lot having a frontage of less than 100 feet according to a subdivision of lots recorded before December 8, 1925.

4. **Multi-family dwelling restriction:** No dwelling designed for the occupancy of more than one family shall be erected in Chevy Chase View.

5. **Off-street parking -- minimum provisions:** There shall be provided at the time of the erection of any dwelling, or at the time any dwelling is enlarged or increased in capacity, minimum off-street parking space within the property lines with adequate provisions for ingress and egress by standard motor vehicles, as follows:

- (a) Each automobile parking space shall not be less than 180 square feet and the same shall be connected by an adequate driveway with a paved street.
- (b) Each automobile parking space and driveway shall be so drained as to prevent damage to abutting properties, public and/or private, and shall be constructed of a material which will assure a surface resistant to erosion.

C. Exemptions from Building Regulations. These structures are exempt from the setback requirements of the Building Regulations:

1. **Permitted projections.**

- (a) A porch or stoop may extend into any minimum front or rear setback not more than 5 feet and into any minimum side setback not more than 2 feet.

Steps from the porch or stoop to ground level may further encroach as necessary. An existing nonconforming porch or stoop may be repaired or replaced. An existing nonconforming stoop may be covered to create a porch so long as the roof projects no more than 5 feet from the wall of the building for a front or rear porch, and no more than 2 feet for a side porch.

- (b) A bay window, oriel, or balcony, 10 feet or less in width, may project not more than 3 feet into any minimum front or rear setback and no more than 2 feet into any minimum side setback.
 - (c) Cornices and eaves (including any attached gutter) may project not more than 2 ½ feet into any minimum front or rear setback and no more than 2 feet into any minimum side setback.
 - (d) Gutters, sills, and ornamental features may project not more than 6 inches into any minimum setback.
 - (e) Chimneys not more than 10 feet wide may project not more than 2 feet into any minimum setback.
2. **Fences and walls.** Fences and freestanding walls are not limited by the setback requirements of these regulations, provided that any fence or wall between the front lot line and the front building restriction line is not more than 4 feet in height, measured from the surface of the ground. Fences and walls exceeding 4 feet in height that were constructed before May 15, 2001 may be repaired or replaced.
3. **Height of accessory buildings.** The building height limits for accessory buildings do not apply to weather vanes, chimneys, cupolas, domes, and similar ornamental structures.

D. Administration

1. **CCV Council Building Permit requirement:** Except as provided below, no building or structure (including, but not limited to, new fences) shall be erected, altered, or repaired, or any addition made thereto or any work started thereon, or any excavation made in connection therewith, (such activities are herein collectively referred to as “Construction”), until a Building Permit for such construction is issued by Chevy Chase View. A permit is not required if such construction makes no alteration in the exterior three dimensional boundaries of the residence or any outbuilding and does not involve the replacement of more than 50% of the external surface area, including roof area, of the building. A permit is not required when a fence is replaced with a fence erected in the same location and made of the same material. A permit must be obtained from Chevy Chase View even in instances where Montgomery County does not require a building permit. The applicant or applicant’s agent shall pay to Chevy Chase View the applicable building permit fee before a building permit application will

be processed. The Council shall adopt a schedule of building permit fees by resolution. The schedule of fees may be amended from time to time by Council resolution. In connection with any construction for which a bond or other security is required according to Sec. 13 D.2, the Council or its designee may require the applicant and/or the applicant's contractor to participate in a pre-construction meeting to be conducted by the building permit administrator at the subject property for the purpose of exchanging information and discussing building permit conditions and the procedures concerning the required bond or other security. In connection with any building permit, the Council or its designee may impose conditions to protect the public health, safety, or welfare, including, but not limited to:

- (a) prohibiting or limiting the parking of contractors' or other construction-related vehicles in the public right-of-way;
- (b) limiting the locations upon private property where contractors' and other construction-related vehicles may be parked;
- (c) limiting the location upon which construction materials may be stored;
- (d) limiting the locations upon which portable toilets may be placed or maintained, including prohibiting the placing or maintaining of portable toilets;
- (e) limiting the locations upon which construction debris may be stored, whether or not such debris is contained; and
- (f) such other conditions as the Council or its designee determines are proper to protect the public health, safety, or welfare.

2. **Bond or other security required:** A Building Permit shall not be issued unless and until the applicant posts a bond or other security to ensure the repair and/or replacement of facilities in the public right of way if such facilities are damaged in connection with the project for which the Building Permit is issued. The bond or other security shall be in a form and upon such terms and conditions as may be established from time to time by the Council. The bond or other security shall be in an amount that complies with a schedule set by the Council by resolution. If a corporate bond is offered, it shall be executed by a surety or guarantee company qualified to transact business in the State of Maryland.

3. **Time limits on initiation and completion of construction:** Work must be commenced within 6 months after the permit is issued by the Council, and must be completed within one year of the date of the permit. The Council may grant an extension, upon such conditions as the Council may set, upon a showing by the applicant that:
 - (a) additional time is reasonably necessary to complete the construction; and
 - (b) circumstances have not otherwise changed since the issuance of the permit.

4. **Revocation of Building Permit:** The Council may revoke a Building Permit when the application or the plans on which the permit is based contain a false statement or misrepresentation of fact or when any deviation from the approved plans or any violation of the conditions upon which the permit was issued occurs.
 - (a) If the Council's approval is revoked, the Council may issue a stop-work order to be effective immediately and posted on the subject property.
 - (b) If the Council issues a stop-work order, it shall be unlawful for any person to continue or permit the continuance of work in or about a structure after a stop-work order has been posted at the property, except such work as is directed, with the Council's approval, to remove a violation of these Building Regulations or to remove an unsafe condition.

5. **Penalties for violations:** Notwithstanding anything to the contrary contained in these regulations, including Sec. 18, any person who violates any provision of this Sec. 13 or directs or allows another to commit an act that would violate any provision of this Sec. 13, the person's employer if the person acted in the course of his or her employment, and any property owner who allows a violation of any provision of this Sec. 13 on his or her property shall be guilty of a municipal infraction and shall be jointly and severally subject to fines of:
 - (a) \$100.00 for failing to file a Building Permit or Waiver Application;
 - (b) \$1,000.00 for any material misrepresentation in a Building Permit or Waiver Application or documents submitted in support thereof;
 - (c) \$400.00 for beginning construction without a Chevy Chase View Building Permit and \$50.00 for each additional day of unauthorized construction;
 - (d) \$100.00 per day for failing to cease construction following the Council's issuance of a stop-work order; and
 - (e) \$100.00 per day for failing to comply with any term or condition of a building permit, the plans and specifications approved therefor, and any applicable waiver granted by the Council according to Sec. 13 E, or for any other violation of any other provision of this Sec. 13.

If a violation occurs, there shall be a rebuttable presumption that all owners of the property allowed the violation. Each violation shall constitute a separate infraction. Each day that a violation exists shall constitute a separate violation.

6. **Town right to inspect premises:** The Town has the right to on-premises inspection of construction to insure compliance with the Building Regulations and the Application submitted.
7. **Authorization to administer and enforce Building Regulations:** The Council is hereby authorized to establish mandatory rules for the administration and enforcement of the Building Regulations by motion or such other procedure as the Council deems appropriate.

E. Waivers

1. **Purpose:** The purpose of this section is to provide a procedure for granting a waiver from the strict application of these building regulations in specific cases where unusual conditions of a particular lot are such that the strict and literal enforcement of the building regulations would result in unusual or practical difficulties to, or exceptional or undue hardship on, the owner of the property.
2. **Powers of Council:** In addition to any other powers it may have, the Council shall have the power to grant waivers from the requirements of the building regulations upon application by an interested person. With respect to the lot for which a waiver is sought, the term "interested person" includes any owner, contract purchaser or authorized agent of the owner or contract purchaser.
3. **Standards to be applied:** No waiver may be granted unless the Council finds, on the basis of the evidence of the record, that good cause has been shown for relief from the strict application of the building requirements, according to the following applicable standards.
 - (a) **Waiver of setback requirements:** Because of the unusual dimensions, shape, topography, or other exceptional conditions of the lot, the lot cannot accommodate the structure sought to be erected if the restrictions of section B. of this section are strictly enforced and:
 - (1) **For front or rear setbacks,** the literal application of subsection B. would result in peculiar or unusual practical difficulties to, or exceptional hardship on, the owner of the property; or
 - (2) **For side setbacks,** the literal application of subsection B. would result in exceptional hardship and injustice to the owner of the property.
 - (b) **Waiver of height limitation for fences:** Because of unusual conditions of the property or of an adjacent property, strict enforcement of the 4 foot height

limitation would create a hardship on the property owner, and granting the waiver would not create a safety hazard or materially interfere with the existing sight lines.

(c) **Additional requirements:** In connection with any waiver, the Council must also find that:

- (1) The waiver granted is the least departure from the requirements of this section that will give relief to the applicant;
- (2) The waiver will not be contrary to the purposes and intent of the building regulations, which are to preserve open vistas, sight lines, privacy, spacious appearance, and character of Chevy Chase View;
- (3) The waiver will not adversely affect the appearance, utility, or value of any contiguous or confronting property; and
- (4) The difficulty or hardship is not the result of the actions of the applicant.

(d) **Special circumstances:**

- (1) If the alteration is required mainly as an aid to a disabled person and no other reasonably feasible alternative is available, the Council may grant the waiver.
- (2) If the need for a waiver is the result of the existing structure's nonconformance with the requirements of this section, the exceptional conditions of the lot requirement of subsection E.3(a) is deemed to be met. If the alteration does not increase the two-dimensional footprint of the building, the Council may deem the hardship requirements of subsection E.3(a) to be met if it finds that the additional height of the nonconforming structure will not adversely affect the adjoining properties.

4. **Procedures for Waivers:**

- (a) An application fee of One Thousand Seven Hundred Dollars (\$1,700.00), an application, and accompanying maps, plans or other information shall be submitted to the Administrator who shall place the matter on the Council agenda and announce a public hearing thereon, which shall be held at a regular or special meeting of the Council. The Council shall give written notice of such hearing to interested persons and owners of abutting and confronting properties, at least fifteen (15) days prior to the meeting at which such application is to be considered.

- (b) Within five (5) days after the filing of an application for a Waiver the applicant shall erect a sign, to be furnished by the Council, on the subject property within 10 feet of the boundary line of each public road which abuts the property facing in such manner as may most readily be seen by the public. The bottom of the sign shall be not less than 2 1/2 feet from the ground. The sign shall be of such material, color, height and width as the Council shall specify, and shall state the nature of the application, the date of the scheduled hearing, the case number and the telephone number of the Administrator or other official in custody of the application.
- (c) At the hearing, any party may appear in person, by agent or by attorney.
- (d) The decision by the Council shall be made within sixty (60) days following the hearing.
- (e) In exercising its powers, the Council may grant a Waiver as requested by the applicant, grant a Waiver to permit an encroachment less than that requested by the applicant, or may deny the application. In addition, the Council may grant a Waiver or partial Waiver upon such terms and conditions as it deems appropriate.
- (f) For the conduct of any hearing on an application for a Waiver, a quorum shall be not less than three (3) members of the Council, and in all instances an affirmative vote of three (3) members of the Council shall be required to grant any Waiver.
- (g) The Administrator of the Council shall keep minutes of all Waiver hearings, showing the vote of each Council Member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of each application and all material submitted for the record of the hearing, all of which shall be a public record.

5. **Montgomery County Requirements:** Nothing in this Sec. 13 shall be construed to relieve any person from the requirement of obtaining a building permit, special exception or variance from the County as may be required by the County.

Sec. 14 Restrictions on use of outbuildings for residential purposes:

It shall be unlawful for any person or persons to occupy any garage, shed, outbuilding or trailer for residence purposes without the consent of the Council, and the Council shall permit the same upon such restrictions or conditions as they shall deem requisite.

Any person or persons violating the requirements of this section shall be liable to the penalty prescribed under Sec. 18 herein, and each period of three (3) days during which any of the conditions described herein shall exist shall constitute a separate offense.

Sec. 15 Work involving the tearing up of streets, public works, etc.:

Any person or persons intending to undertake any work which will involve tearing up the streets, pavements, gutters, sidewalks, parking areas, or other public works or property, or seriously to obstruct same shall first obtain the approval of the Council and shall be responsible for restoring same at the earliest practicable date to its original condition.

Any person or persons violating the requirements of this section shall be liable to the penalty prescribed under Sec. 18 herein, and each period of three (3) days during which any of the conditions described herein shall exist shall constitute a separate offense.

Sec. 16 Placement of warning lights on obstructions, excavations in public byways, etc.:

It shall be unlawful for any person or persons to leave any obstruction or excavation on or in the sidewalk, parking area or street, avenue, road or parkway, between one half hour after sunset and one half hour before sunrise without having sufficient warning lights placed in such a manner as to show the location and extent of such obstruction or excavation. Any person or persons guilty of the foregoing shall be subject to arrest and punishment as provided for under Sec. 18 herein.

Sec. 17 Placement of wires on, over, or under public byways:

Any person or persons desiring to string, lay, hang, suspend or in any manner place wires of any kind on, over or under the public highways or streets within Chevy Chase View shall, when required by the Council, and in any event when the setting of poles is involved, be required to secure the consent of the Council, and such written consent shall contain a provision for and be contingent on saving the Council harmless from loss or damage. Any person or persons guilty of the foregoing shall be subject to arrest and punishment as provided under Sec. 18 herein.

Penalties

Sec. 18 Any person or persons guilty of violating any of the foregoing regulations shall, upon conviction, be subject to a fine not to exceed One Hundred Dollars (\$100.00), or imprisonment in the jail of Montgomery County, Maryland, for a term not to exceed ninety (90) days or both in the discretion of the Court having jurisdiction thereof, or to specific penalties as identified in Sec. 13 D.5.

Sec. 19 Any person or persons violating or failing to comply with the Building Regulations in whole or in part shall make or cause to be made such alterations or removals of work commenced or finished as may be necessary to remedy a condition which violates the regulations, and if such remedy is not completed within one month from the date of notification of violation, or such longer period as the Council may specify, the Council may by contract or otherwise remove or demolish such structure or parts thereof which violate these regulations and the cost thereof shall be paid immediately by such person or persons upon request of the Council.

Miscellaneous

Sec. 20 Saving Clause: The right to alter, amend or repeal these regulations or any part thereof is hereby expressly reserved. If any clause, sentence, paragraph or part of these regulations 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 these regulations, 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.

Sec. 21 Belling of Cats:

- A.** It shall be the duty of all owners of cats within Chevy Chase View, and all persons keeping or harboring the same, to equip and securely attach to such animals before permitting them to roam and run at large within said area, belling devices capable of emitting sound of sufficient loudness and intensity to give warning of the approach and proximity of such animals to song birds and other forms of vulnerable bird life.
- B.** Any resident of Chevy Chase View who finds a cat lacking such a belling device running at large on his property is hereby authorized to notify the Montgomery County Animal Shelter of that fact and arrange to have such animal picked up and taken to the Shelter and there held for disposition under the applicable laws of Montgomery County pertaining to such matters.

Sec. 22 Demolition or removal of buildings.

- A. Permit Required.** No person shall demolish more than twenty-five percent (25%) of the exterior surface area of a building, except for an accessory building with a footprint of less than one hundred fifty (150) square feet, without a permit to do so issued by Chevy Chase View. As used in this Section, the term demolish means to tear down, destroy or remove a building or part thereof.
- B. Application.** An applicant for a demolition permit shall submit the following:
 - 1. A complete application in the form prescribed by the Council.
 - 2. A site plan showing existing conditions and identifying all improvements that the applicant proposes to demolish.
 - 3. A permit processing fee in an amount to be established by resolution of the Council.
 - 4. Bonds or other security satisfactory to the Council to:
 - (a) ensure the repair and/or replacement of facilities in the public right of way if such facilities are damaged in connection with the project for which the demolition permit is issued. The security required by this paragraph shall be in the amount of Five Thousand Dollars (\$5,000.00); and

- (b) ensure the safe and expedient demolition of the building and clearing of the site. The security required by this paragraph shall be in an amount equal to the cost of demolition.

C. Permit requirements. A demolition permit will be issued only if the Council or its designee finds that

1. the requirements of Section 22 B are met;
2. the applicant has made appropriate arrangements for the disposition of lead based paint, asbestos and other toxic or dangerous materials, if any;
3. the applicant has submitted a signed affidavit, on company letterhead, from a licensed pest control company, that the pest control company will exterminate any rodents or other pests in or near the building before demolition commences; and
4. the applicant has obtained a Montgomery County demolition permit, if required by Montgomery County.

D. Permit Conditions. The demolition permit shall include the following conditions.

1. before demolishing a building the applicant shall exterminate any rodents or other pests in it;
2. the applicant shall complete the demolition work and clear all debris from the property within two (2) weeks of commencement of the demolition or such other time as may be specified in the permit;
3. the applicant shall restore the established grade of the surrounding land, unless a sediment control permit is required by Montgomery County;
4. at all times the applicant shall keep the site free from any unsafe condition; and
5. such other conditions as the Council or its designee determines are proper to protect the public health, safety and welfare.

E. Remedies.

1. Revocation. The Council or its designee may revoke a demolition permit if the Council or its designee finds that the application or any plans upon which the permit is based contain a false statement or misrepresentation of fact or when any deviation from the approved plans or any violation of the conditions upon which

the permit was issued occurs. If the demolition permit is revoked, the Council or its designee may issue a stop-work order to be effective immediately and posted on the subject property. If a stop-work order is issued, it shall be unlawful for any person to continue or permit the continuance of demolition work after the stop-work order has been posted at the property, except such work as is directed by the Council or its designee, to remove an unsafe condition.

2. Penalties for violations. It is a municipal infraction for any person to violate and for any property owner to allow on his or her property a violation of the provisions of this Section 22 of the Chevy Chase View Code, subject to fines of:
 - (a) \$500.00 for any material misrepresentation in a Demolition Permit Application or other documents submitted in support thereof;
 - (b) \$500.00 for beginning demolition without a Chevy Chase View Demolition Permit and \$100.00 for each additional day of unauthorized demolition;
 - (c) \$1,000.00 per day for failing to cease demolition following the issuance of a stop-work order; and
 - (d) \$100.00 per day for violations of any other provision of this section.
3. Remedial action.
 - (a) If the building is not demolished or the site is not cleared of all debris within the time specified in the permit, the Town or its agents may enter the property, demolish the building, clear the site of debris, and take action to forfeit the performance bond, or otherwise reimburse the Town for its costs. The cost of any remedial action and the damages resulting from any such violation may be specially assessed against the property and collected with the property taxes or collected by a suit for damages.
 - (b) The Town may institute injunctive or any other appropriate action or proceedings at law or equity for enforcement of this Section 22 in any court of competent jurisdiction.
4. Remedies cumulative. The remedies and penalties provided in this Section 22 E are cumulative.

Resolution 1-81, adopted by the Council of Chevy Chase View on December 29, 1981, provided that “***there shall be imposed a penalty of 1% per month or any fraction of a month on the payment of all ordinary taxes which are overdue and in arrears. The penalty rate hereby established shall for all subsequent levies of all levy years apply to all ordinary taxes and charges collectable in the same manner as ordinary taxes, which are overdue and in arrears on or after October 1, 1982.” This Resolution was passed with the same penalty provision as applies to ordinary taxes collected for the benefit of Montgomery County.