

TOWN OF CHEVY CHASE  
COUNCIL MEETING  
December 9, 2020

OPEN SESSION TO VOTE TO ENTER CLOSED SESSION (6:00-6:30 p.m.)

The Town Council will meet in open session for the purpose of voting to enter a closed session pursuant to the Open Meetings Act, Maryland Code, General Provisions Article, Section 3-305(b)(1) to discuss a personnel matter that affects one or more specific individuals.

- I. VARIANCE HEARINGS (6:30-7:00 p.m.)
  - A. Keagle/Maloney, 4207 Leland Street, Front Yard Fence
  
- II. GENERAL BUSINESS (7:00-7:15 p.m.)
  - A. Call to Order
  - B. Approval of Meeting Minutes
  - C. Acceptance of November 2020 Financial Report
  - D. Town Manager's Report
  - E. Public Comments
  
- III. PUBLIC HEARINGS (7:15-8:15 p.m.)
  - A. Public Hearing on an Ordinance to Regulate Accessory Dwelling Units
  - B. Public Hearing on an Ordinance to Regulate Gas-Powered Blowers
  
- IV. COUNCIL DISCUSSIONS (8:15-9:00 p.m.)
  - A. Battery-Powered Blower/Equipment Rebate Program
  - B. Discussion and Possible Introduction of an Ordinance Establishing the Conduct of the 2021 Town Council Election
  - C. Thrive Montgomery 2050
  
- V. OTHER BUSINESS (9:00-9:15 p.m.)
  
- VI. ADJOURNMENT (9:15 p.m.)

How to Join the Council Meeting via Zoom®

Join Online:

<https://us04web.zoom.us/j/3016547144>

Join by Phone:

301-715-8592

Meeting ID: 301 654 7144

# STAFF REPORT

I-A

TO: Town Council  
FR: Todd Hoffman, Town Manager  
RE: Keagle/Maloney, 4207 Leland Street, Front Yard Fence  
DATE: December 9, 2020

Doug Keagle and Virginia Maloney, 4207 Leland Street, propose to construct a refuse enclosure and a gate in the front yard of their property adjacent to Tarrytown Road as shown on the attached site plan. Any portion of a property that abuts a street is defined as a front yard. Both the refuse enclosure and gate are considered by the Town to be fences. Town building regulations prohibit the installation of fences in front yards; therefore, variances are required.

## **Background:**

As of December 5, 2020, the Town has received one email, attached, from the owners of 7502 Tarrytown Road supporting approval of the requests.

*Staff note: The following assertions summarize materials provided by the applicant in support of the variance requests. Their inclusion in the Staff Report does not intend to convey staff support for the approval or denial of the variance request. The applicant should indicate to the Council if any arguments have been misrepresented. The Council should consider the entire record in considering the variance request.*

## **Applicants' Claims for the Variance Requests:**

1. The applicants' property is unusually shaped. It is a corner lot that has 3 front yards. The proposed improvements are in the applicants' functional rear and side yards.
2. Approval of the variance is requested because conforming to the Town's building ordinance would cause peculiar or unusual practical difficulties. The applicants would like to have additional privacy when using their patio space. The yard slopes from Tarrytown Road toward the house. The refuse enclosure will allow the trash and recycling cans to be kept closer to the street to create easier access for the waste collection crews. The ornamental iron gate already exists in a different location in the same yard and the applicants value it for its ornamental and historical value.
3. Approval of the variance would not be detrimental to the use and enjoyment of neighboring properties. The proposed improvements will enhance the beauty of the property, make trash removal more practical, and do not impact neighboring properties.
4. The request is the minimum necessary to overcome the exceptional condition that is causing the hardship. The applicants have worked with a landscape architect to make the request as minimal as possible. The applicants are attempting to make it easier for the Town's waste removal crews and to maintain the house's original architecture, while making their outdoor living space more usable.

5. The proposed improvements are contained within the subject property and do not impair the general plan of the Town.

# MEMORANDUM

II-D

TO: Town Council  
FR: Todd Hoffman, Town Manager  
RE: Town Manager's Report  
DATE: December 9, 2020

This report highlights some of the initiatives undertaken by Town staff over the past month. In the interest of brevity, I have not included ongoing staff functions. Please let me know if you have any questions or need additional information.

- Continued management and oversight of:
  - Town-wide traffic study
  - Zimmerman Park redevelopment project
  - Sustainable Garden improvements and maintenance
  - Concrete repairs
- Secured Program Open Space funding for proposed Zimmerman Park improvements.
- Assisted with organizing and submitting to the Planning Board a community coalition letter and Town testimony on Thrive Montgomery 2050.
- Assisted with organizing a meeting of Chevy Chase municipalities and Planning Board officials on Thrive Montgomery 2050.
- Organized and attended Council work session on a proposed battery-powered blower and equipment rebate program. Assisted with drafting documents related to the program.
- Met with the Climate and Environment Committee's Canopy Tree Working Group to discuss tree planting, maintenance, and removal policies and practices.
- Discussed Town leaf collection procedures and costs with members of the Climate and Environment Committee.
- Met with PEPCO representatives to discuss recent rate case filing. Continued research on conversion to LED streetlights.
- Continued investigating erosion in Coquelin Run and communicated with County and MDE officials about cause and responsibility.
- Arranged annual meeting of Town Ethics Commission.
- Replaced gate on Thornapple Path.
- Assisted the Long-Range Planning Committee with tracking Bethesda redevelopment projects.
- Assisted the Public Services Committee with responding to resident requests and inquiries regarding public safety, traffic, and street lighting.

# III-A

## **Town of Chevy Chase Accessory Dwelling Units Ordinance**

Ordinance No.:  
Introduced: 11/11/20  
Adopted:  
Effective Date:

AN ORDINANCE TO AMEND CHAPTER 4 OF THE TOWN OF CHEVY CHASE MUNICIPAL CODE TO ADD BUILDING REQUIREMENTS APPLICABLE TO DETACHED ACCESSORY DWELLING UNITS AND TO AMEND CHAPTER 17 TO ADD A REQUIREMENT CONCERNING EXTERIOR LIGHTING.

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 5-211, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to make reasonable regulations concerning buildings to be erected within the limits of the municipality, including a building code and the requirement for building permits;

WHEREAS, Maryland Code, Land Use Article, Section 20-509 grants to the legislative body of incorporated municipalities in the Maryland-Washington Regional District general power to adopt building regulations for the protection of the public health, safety, and welfare; the preservation, improvement, and protection of lands, water, and improvements in the municipal corporation; and to regulate the construction, repair, or remodeling of buildings on land zoned for single-family residential uses at it relates to fences, walls, hedges, and similar barriers; signs; residential parking; residential storage; the location of structures, including setback requirements; the dimensions of structures, including height, bulk, massing, and design; and lot coverage, including impervious surfaces;

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 11th day of November, 2020;

WHEREAS, to comply with Maryland Code, Land Use Article, Section 20-509, on the 9th day of November, 2020, a copy of following Ordinance was submitted to the Montgomery County Council for its comments;

WHEREAS, the Montgomery County Council provided no comments;

WHEREAS, after proper notice to the public, and after at least thirty days from the date a copy of the following Ordinance was transmitted to the Montgomery County Council, the Town Council considered the following Ordinance in public session assembled on the \_\_\_ day of \_\_\_\_\_, 2020;

WHEREAS, the Montgomery County Council, by Zoning Text Amendment 19-01, effective December 31, 2019, authorized the establishment and construction of detached accessory dwelling units in single-family zones;

WHEREAS, the Town Council finds that the Town building regulations do not currently separately address detached accessory dwelling units and should therefore be amended;

WHEREAS, the purposes of the Town building regulations include maintaining privacy and space between properties, ensuring adequate light, air, and safe passageways between buildings; encouraging appropriately-sized construction in keeping with lot sizes and the character of the Town; minimizing the flow of stormwater from lots by encouraging the maintenance of open spaces and the reduction of impervious surfaces; and the preservation and perpetuation of neighborhood character;

WHEREAS, the Town Council finds that the allowance of detached accessory dwelling units would be detrimental to the purposes of the Town building regulations, unless sufficient measures are implemented to mitigate the impacts;

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.

THEREFORE, BE IT ORDAINED AND ORDERED, this \_\_\_ day of \_\_\_\_\_, 2020, 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. 4-1. - Definitions.**

- (a) In this chapter, the following terms shall have the meanings indicated.
- (b) Terms defined.

\* \* \*

**Accessory dwelling unit: A second dwelling unit that is subordinate to the principal dwelling unit and is located within a main building or an accessory building.**

**Detached accessory dwelling unit: An accessory dwelling unit that is located in a detached accessory building or part thereof.**

**Dwelling unit: A building or portion of a building providing complete living facilities for not more than one household, including, at a minimum, facilities for cooking, sanitation, and sleeping.**

\* \* \*

*Gross floor area:* The sum of the gross horizontal areas of the several stories (whether or not a floor has actually been laid) of all buildings on the lot with structural headroom or clear ceiling height of six (6) feet, six (6) inches or more. Gross horizontal areas are measured from the exterior faces of exterior walls. Areas with clear ceiling height (measured from floor to ceiling) greater than fourteen (14) feet shall count twice.

- (a) The term "gross floor area" includes:

- (1) Stairwells at each story;
- (2) Floor space used for mechanical equipment;
- (3) New attic space;
- (4) Screened or otherwise enclosed porches; and
- (5) The area of any accessory structure greater than two hundred forty (240) square feet.

- (b) "Gross floor area" does not include:

- (1) The first two hundred forty (240) square feet of one (1) accessory structure, per lot, **provided that the accessory structure does not contain or comprise a detached accessory dwelling unit;**
- (2) Unenclosed porches;
- (3) Basements;
- (4) Cellars; and
- (5) Attic space existing as of May 17, 2008, to the extent that the three-dimensional boundaries of the attic have not been expanded. If the three-dimensional boundaries of the attic

are expanded, the expanded area shall be included in "gross floor area". The roof over the attic space may be repaired or replaced. However, if the attic is demolished, the replacement attic space shall be considered new attic space not in existence as of May 17, 2008.

\* \* \*

*Main building:* **A building in which the principal dwelling unit is located.** ~~A building in which the principal use of the lot is conducted. The residence shall be deemed to be the main building unless the lot is lawfully used exclusively for nonresidential purposes.~~

\* \* \*

#### **Sec. 4-2. - Building permit, in general.**

(a) Unless a permit has been issued by the town manager, it shall be unlawful for any person to:

- (1) Erect any building;
- (2) Make any material structural alterations or additions to a building;
- (3) Demolish any building (in whole or in part);
- (4) Erect any fence, guardrail, handrail, wall, berm, or front-yard hedge, provided, however, a handrail may be erected along a walkway, steps, or outside stairway on private property without a permit;
- (5) Install any pool, outdoor therapeutic bath, or tennis court;
- (6) Disrupt any town right-of-way, including, but not limited to, streets, sidewalks, curbs, gutters and grassy areas;
- (7) Place any dumpster or portable storage unit on public or private property;
- (8) Construct an access ramp or wheelchair lift;
- (9) Install any overhead or underground wires, cables, hoses, pipes, and similar facilities on public property devoted to private use; ~~or~~
- (10) Construct, expand, replace, or remove a curb entrance, driveway, or driveway apron within a public right-of-way or on private property; **or**
- (11) add an accessory dwelling unit to any accessory building or modify, convert, or renovate an accessory building, or any part thereof, into an accessory dwelling unit.**

\* \* \*

#### **Sec. 4-5. - Accessory building construction; prohibitions.**

(a) *Interior lot.* An accessory building shall:

- (1) Be located in the rear yard;
- (2) Not occupy more than twenty-five (25) percent of the rear yard;
- (3) Be set back from the front lot line a minimum of sixty (60) feet; and
- (4) Conform to the following setback requirements:

- a. An accessory building **that does not contain or comprise a detached accessory dwelling unit and that is** less than twelve (12) feet in height when measured from the average pre-development grade to the highest point shall be set back a minimum of five (5) feet from the rear lot line and the side lot lines.
- b. An accessory building **that does not contain or comprise a detached accessory dwelling unit and that is** twelve (12) feet or greater in height when measured from the average pre-development grade to the highest point shall be set back a minimum of seven and one-half (7½) feet from the rear lot line and the side lot lines.
- c. **An accessory building containing or comprising a detached accessory dwelling unit shall be set back the minimum distance from the side lot lines required for a new main building according to section 4-4(b), and shall be set back from the rear lot line a minimum of twenty (20) feet or fifteen (15) percent of the lot depth, whichever is greater.**

(b) *Corner lot.* An accessory building shall:

(1) Be located in the rear yard. For purposes of this section, the rear yard is the area that is behind both front building lines and is behind at least one of the rear building lines. For new construction the property owner may choose which yard is the rear yard, provided that the main building does not encroach into the rear yard setback for such rear yard.

(2) Not occupy more than twenty-five (25) percent of the rear yard;

**(3) Conform to the following setback requirements:**

**a. An accessory building that does not contain or comprise a detached accessory dwelling unit shall be set back from the side lot line a minimum of five (5) feet, and shall be set back from the rear lot line a minimum of ten (10) feet; and**

**b. An accessory building containing or comprising a detached accessory dwelling unit shall be set back from the side lot line a minimum of eight (8) feet and shall be set back from the rear lot line a minimum of twenty (20) feet or fifteen (15) percent of the lot depth, whichever is greater.**

~~(3) Be set back from the rear lot line a minimum of ten (10) feet; and~~

~~(4) Be set back from the side lot line a minimum of five (5) feet.~~

(c) **Increased setback based on height.** For any accessory building **that does not contain or comprise a detached accessory dwelling unit and that has** a height of twelve (12) feet or greater for a flat roof or fifteen (15) feet or greater when measured to the ridge of the roof, the required side and rear setbacks **for the accessory building** must be increased from the requirements ~~in subsections (a), and (b)~~ of this section at a ratio of one and one-half (1½) feet of additional setback for each foot of height in excess of twelve (12) feet for a flat roof or fifteen

(15) feet for any other type of roof. **The increased setback shall apply to the entire accessory building.**

(d) **Increased setback based on length.** The minimum setback from a rear or side lot line for any accessory building **that does not contain or comprise a detached accessory dwelling unit and that** has a linear dimension greater than twenty-four (24) feet along such side or rear lot line shall be increased from the requirements ~~under subsections (a), (b) and (c)~~ of this section at a ratio of one and one-half (1½) feet for each foot that the dimension exceeds twenty-four (24) linear feet. **The increased setback shall apply to the entire accessory building.**

(e) **Increased setback for detached accessory dwelling unit.** **If the increased setback based on height and/or length as calculated according to this section for a building that does not contain or comprise a detached accessory dwelling unit would be greater than the minimum required side or rear setback for a building that contains or comprises a detached accessory dwelling unit, the increased setback based on height and/or length shall apply.**

(f) The increased setbacks ~~required by subsection (d) of this section~~ **based on height and length shall apply cumulatively** ~~be in addition to any increased setback required by subsection (e) of this section, so that the required setback building shall be the total of the setbacks required by subsections (a) or (b) and (c) and (d) of this section.~~

\* \* \*

#### **Sec. 4-7. - Developmental nonconformities.**

A developmental nonconformity may be maintained, altered and repaired, but not replaced, provided that it may not be enlarged beyond the dimensions that existed on May 17, 2008, **and further provided that a detached accessory dwelling unit may not be constructed within a non-conforming structure,** except in accordance with this chapter. Notwithstanding the foregoing, nonconforming porches, decks, stoops, steps, stairways, chimneys, bay and bow windows, and similar projections may be maintained, altered, repaired, or replaced provided that they may not be enlarged beyond the dimensions that existed on May 17, 2008, except in accordance with this chapter. **A building in which a detached accessory dwelling unit is constructed must meet the required setback and other requirements of this Chapter at the time of construction of the accessory dwelling unit.**

\* \* \*

#### **Sec. 17-3. Exterior Lighting of Buildings.**

**Exterior lighting on and appurtenant to a building shall be directed away from the windows of any dwelling unit on an abutting or confronting lot.**

\* \* \*

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 \_\_\_\_\_, 2020 (30 days after adoption).

ATTEST:

TOWN OF CHEVY CHASE

\_\_\_\_\_  
Ellen Cornelius Ericson, Secretary

\_\_\_\_\_  
Cecily Baskir, Mayor  
Town of Chevy Chase

**Bold and Underline** indicates new material  
~~Strike through~~ indicates material deleted  
\* \* \* indicates material unchanged

## III-B

### **Town of Chevy Chase Gasoline-Powered Blower Ordinance**

Ordinance No.:  
Introduced: 11/11/20  
Adopted:  
Effective:

**SUBJECT: AN ORDINANCE TO AMEND SECTION 15-40 OF THE TOWN CODE TO LIMIT THE OPERATION OF GASOLINE-POWERED BLOWERS**

WHEREAS, Section 5-202 of the Local Government Article of the Maryland Code grants to the legislative body of every incorporated municipality in Maryland, including the Town of Chevy Chase, general power to pass such ordinances not contrary to the Constitution of Maryland or public general law as deemed necessary in order 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; and

WHEREAS, the Town Climate and Environment Committee has recommended that the Town Council expand the quiet hours for gasoline-powered blowers and consider a phased-in ban; and

WHEREAS, Section 301(a) of the Charter of the Town of Chevy Chase authorizes the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter 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 or destruction; for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and for such other police or health matters as it may deem necessary; and

WHEREAS, the Town Council introduced an ordinance on this topic in public session assembled on the 10<sup>th</sup> day of June, 2020 and discussed the matter at open sessions held on the 8<sup>th</sup> day of July, 2020 and the 22<sup>nd</sup> day of September, 2020; and

WHEREAS, the Town Council introduced the following ordinance on the 11<sup>th</sup> day of November, 2020 and held a public hearing on the following ordinance in public session assembled on the 9<sup>th</sup> day of December, 2020; and

WHEREAS, upon consideration of the recommendation of the Climate and Environment Committee, and the testimony and evidence presented at the public hearing, the Town Council finds that the operation of gasoline-powered blowers should be restricted; and

WHEREAS, the Town Council finds that the following ordinance 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 or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town.

NOW, THEREFORE, the Town Council of the Town of Chevy Chase does hereby adopt the following ordinance:

SECTION 1. BE IT ORDAINED AND ORDERED, this 9th day of December, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by the Maryland Code and the Town Charter, that the Town Code is amended to read as follows:

\* \* \*

### **Sec. 16-1 - Noise restrictions.**

The following provisions shall apply in the Town of Chevy Chase in addition to the provisions of chapter 31B of the Montgomery County Code:

(1) **Construction.** It shall be unlawful to engage in construction activities before 7:00 a.m. on weekdays or 9:00 a.m. on weekends and all federal holidays, and after 7:00 p.m. on all days. As used herein, "construction activities" means temporary activities directly associated with site preparation, assembly, erection, repair, alteration, renovation, construction, or demolition of improvements, or other similar activities including, but not limited to, moving heavy equipment, delivering materials, loading or unloading, operating equipment with audible "back-up" warning devices, and allowing engines to idle.

#### **(2) Landscaping.**

a. Gasoline-powered.

##### **1. Restrictions, effective dates.**

**a. Restrictions applicable through December 31, 2020.** (†) It shall be unlawful to operate a gasoline-powered leaf blower before 9:00 a.m. and after 7:00 p.m., on all days.

**b. Restrictions applicable starting January 8, 2021. It shall be unlawful to operate a gasoline-powered blower before 10:00 a.m. on weekdays, before 12:00 p.m. on weekends and all federal holidays, and after 6:00 p.m. on all days.**

**c. Restrictions applicable starting January 1, 2022. It shall be unlawful to operate a gasoline-powered blower at any time on any day from the 1<sup>st</sup> day of January through the 14<sup>th</sup> day of October. From the 15<sup>th</sup> day of October through the 31<sup>st</sup> day of December, it shall be unlawful to operate a gasoline-powered blower before 10:00 a.m. on weekdays, before 12:00 p.m. on weekends and all federal holidays, and after 6:00 p.m. on all days.**

**2. (ii)** It shall be 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.

b. Electric or ~~B~~attery-powered. It shall be unlawful to operate electric or battery-powered landscaping equipment before 8:00 a.m. on weekdays, before 9:00 a.m. on weekends and all federal holidays, and after 8:00 p.m. on all days.

c. As used herein, "landscaping equipment" means motorized equipment such as a lawn mower, chainsaw, leaf-blower, weed trimmer, or other similar equipment operated outdoors. "Landscaping equipment" does not include motor vehicles or fixtures such as air conditioners, heat pumps, back-up generators and similar equipment attached to a building.

**d. As used herein, "gasoline-powered blower" means handheld, backpack, or similar equipment used to perform landscaping including, but not limited to, the blowing, vacuuming, or moving of grass, leaves, or other debris. "Gasoline-powered blower" does not include a snow blower or blower used to spray herbicide, pesticide, or fertilizer.**

(3) *Penalties.* Violation of any provision of this chapter shall be a municipal infraction. Any person or persons guilty of a municipal infraction shall be subject to a fine in the amount specified below:

a. First violation ..... \$200.00

b. Second violation ..... \$400.00

c. Third violation ..... \$1,000.00

d. Any person who violates this chapter or directs or allows another to commit an act that violates this chapter, 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 this chapter on his or her property shall be guilty of a violation and shall be jointly and severally subject to the penalties provided in subsections a. through c. If a violation occurs, there shall be a rebuttable presumption that all owners of the property allowed the violation.

(4) *Enforcement.* An enforcement officer may issue a municipal infraction citation for any violation of this chapter if the enforcement officer:

a. Witnesses the violations; or

b. Receives written complaints from at least two (2) witnesses, who are not residents at the same address, ~~of a noise disturbance.~~ Complaints by two (2) witnesses are required to issue a citation under this paragraph but are not required to prove that a person violated this chapter. The complainants must be willing to testify in court, if required.

\* \* \*

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 authority granted to it by the Maryland Code and the Town Charter that, that:

(1) To assist the public in understanding the permissible hours of operation for landscaping equipment, the following table may be published by the Town Manager:

	<b>Permissible Hours</b>	
<b>Construction activities</b>	<i>Weekdays</i>	<i>Weekends and Holidays</i>
	From 7:00 am to 7:00 pm	From 9:00 am to 7:00 pm
<b>Landscaping equipment</b>		
<b>Gas-powered leaf blower</b>	<i>Weekdays</i>	<i>Weekends and Holidays</i>
	From 9:00 am to 7:00 pm  <b><u>Starting 1/8/21: From 10:00 am to 6:00 pm</u></b>  <b><u>Starting 1/1/22: From 10:00 am to 6:00 pm from Oct. 15 to Dec. 31; prohibited at any time from Jan. 1 to Oct. 14</u></b>	From 9:00 am to 7:00 pm  <b><u>Starting 1/8/21: From 12:00 pm to 6:00 pm</u></b>  <b><u>Starting 1/1/22: From 12:00 pm to 6:00 pm from Oct. 15 to Dec. 31; prohibited at any time from Jan. 1 to Oct. 14</u></b>
<b>All other gas-powered equipment</b>	<i>Weekdays</i>	<i>Weekends and Holidays</i>
	From 8:00 am to 8:00 pm	From 9:00 am to 7:00 pm
<b>All electric or battery-powered equipment</b>	<i>Weekdays</i>	<i>Weekends and Holidays</i>

	From 8:00 am to 8:00 pm	From 9:00 am to 8:00 pm
--	-------------------------	-------------------------

Effective January 8, 2021

(2) 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

(3) This ordinance shall take effect on the 8th day of January, 2020 (30 days after adoption).

ATTEST:

TOWN OF CHEVY CHASE

\_\_\_\_\_  
Ellen Cornelius Ericson, Secretary

\_\_\_\_\_  
Cecily Baskir, Mayor  
Town of Chevy Chase

**Bold and Underline** indicates new material

~~Strike through~~ indicates material deleted

\* \* \* indicates material unchanged



**Town of Chevy Chase**  
 4301 Willow Lane  
 Chevy Chase, MD 20815

301-654-7144 (phone)  
 301-718-9631 (fax)  
[townoffice@townofchevyCHASE.org](mailto:townoffice@townofchevyCHASE.org)

Town Request No.
------------------

## Battery-Powered Blower & Equipment Rebate Program

The undersigned, a resident of the Town of Chevy Chase, wishes to participate in the Battery-Powered Blower & Equipment Rebate Program. By participating, I understand and agree to the following:

- The Program will reimburse a household, or a landscape service provider on behalf of a household, 50% of the cost, up to a maximum of \$200, for the purchase of a battery-powered blower or blowers and equipment related to their operation, including batteries and chargers.
- This is a one-time subsidy that is available for the purchase of equipment between January 1, 2021 and May 31, 2021.
- The undersigned agrees to use, or require the use of, the equipment purchased through this program for landscaping services on the undersigned's property.
- The undersigned is responsible for submitting to the Town this completed application and proof of purchase of the equipment by either the household or by a landscape service provider.
- The same receipt of purchase by a contractor may be provided by multiple households that use the same contractor. A single contractor is eligible to receive the rebates of up to five (5) households, provided that the 50% reimbursement requirement applies.
- The Town reserves the right, in its sole discretion, to approve or deny any request for a subsidy. This program is subject to termination by the Town without further notice. Rebate payments are offered on a limited basis, subject to a not-to-exceed program limit of \$30,000. Requests submitted will be processed in the order received.
- The Town may require additional information or documentation as deemed necessary to adequately assess an application for a subsidy.

### AGREEMENT AND RELEASE

The undersigned hereby understands and agrees to all terms and conditions above.

In consideration for making the Battery-Powered Blower & Equipment Subsidy Program available and providing financial assistance thereunder, the undersigned hereby certifies and agrees that you (a) have read this document in its entirety, and (b) understand and agree that the Town will not be responsible for the performance, maintenance or repair of any equipment purchased through this program or for any work performed by a contract or individual with equipment purchased through this program, (c) agree to abide by all of the terms and agreements of the Program, and (d) hereby release, indemnify and hold harmless the Town and all of its officers, employees, contractors, and agents from all suits, actions, damages, and costs which may result from the purchase and use of equipment under this program.

***I HAVE READ THIS DOCUMENT IN ITS ENTIRETY AND UNDERSTAND AND AGREE TO ITS TERMS:***

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone

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**FOR OFFICE USE ONLY**

Approved

Denied

Amount reimbursed: \$ \_\_\_\_\_

\_\_\_\_\_  
Town Manager Signature

\_\_\_\_\_  
Date

**Town of Chevy Chase  
(2021 Town Election)**

Ordinance No.:  
Introduced:  
Adopted:  
Effective Date:

**AN ORDINANCE TO DECLARE  
A STATE OF EMERGENCY AND TO ACTIVATE  
AN EMERGENCY PLAN FOR THE TOWN ELECTION**

WHEREAS, on March 5, 2020, in an effort to control and prevent the spread of COVID-19, a state of emergency and catastrophic health emergency was proclaimed by the Governor within the entire State of Maryland, pursuant to Maryland Code, Public Safety Article, Title 14, and the Maryland Constitution; and

WHEREAS, on October 29, 2020, the Governor declared that the state of emergency continues and the spread of COVID-19 in the state continues to pose an immediate threat to all Marylanders of extensive loss of life or serious disability; and

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 and to protect the health, comfort, and convenience of the citizens of the municipality;

WHEREAS, the Maryland Emergency Management Agency Act (Md. Code, Public Safety Art., Sec. 14-101, *et seq.*) provides that local governments, including municipal governments, may declare a local state of emergency and so doing activates the local state of emergency plan, per Sec. 14-111; and

WHEREAS, per Sec. 14-102(a) of said Act, the legislative purposes and intents of the law include to confer on the Governor and on the executive heads or governing bodies of the political subdivisions the emergency powers provided in the Act, and per Sec. 14-107(d)(1), after a state of emergency is declared the effect of any statute or rule or regulation of an agency of the State or a political subdivision may be suspended in order to protect the public health, safety, or welfare; and

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 and for the protection and promotion of the health, safety, comfort, convenience, and welfare of the residents of the Town; and for such other police and health matters as it may deem necessary; and

WHEREAS, Section 301 of the Town of Chevy Chase Charter authorizes emergency ordinances to be adopted immediately by the affirmative votes of 4 members of the Town Council; and

WHEREAS, after proper notice to the public, the Town Council introduced and considered the following Ordinance in public session assembled on the \_\_\_\_ day of \_\_\_\_\_, 2020; and

WHEREAS, the Town Council hereby declares that a state of emergency exists, as declared by the Governor of Maryland, and

WHEREAS, as a result of the state of emergency, the Town Council finds that the temporary amendment of the Town election rules and regulations would help control and prevent the spread of COVID-19; and is necessary for the good government of the Town and for the protection and promotion of the health, safety, comfort, convenience, and welfare of the residents of the Town.

THEREFORE, BE IT ORDAINED AND ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 2020, 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 election to be conducted in **2021** shall proceed according to the **Emergency Plan for Town Election** attached hereto. Any election rule or regulation set forth in the Town Charter, Code of Ordinances, or election rules and regulations that is inconsistent with the provisions of the attached Emergency Plan for Town Election is hereby suspended. The Emergency Plan for Town Election shall be implemented for the **2021** election, only.

*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 upon adoption, this \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

TOWN OF CHEVY CHASE

\_\_\_\_\_  
Ellen Cornelius Ericson, Secretary

\_\_\_\_\_  
Cecily Baskir, Mayor

**TOWN OF CHEVY CHASE**  
**EMERGENCY PLAN FOR THE 2021 TOWN ELECTION**

**Election by Universal Vote by Mail**

- Polling stations will not be used; no in-person voting will be afforded.
- Balloting will be undertaken by mail only. At least 14 days prior to the election, to be held on May 4, 2021, the election service provider will mail a ballot and return envelope to each qualified voter on the precinct register provided by the Montgomery County Board of Elections, and to each non-US citizen resident who has registered with the Town.
- The Town's election service provider shall affix first class postage to all balloting materials, including the ballot return envelopes.
- Voters shall mail completed ballots to the Town's election service provider. Ballot envelopes must be post-marked no later than Election Day, May 4, 2021 and must be received by the Town's election service provider by May 11, 2021 in order for the ballots to be counted.
- Ballot envelopes shall contain a control number and an affidavit requiring the voter to attest to the voter's eligibility.

**Nominating Procedures**

- A Town resident seeking election to the Town Council as a balloted candidate shall submit a [nominating petition](#) and a [financial disclosure statement](#) by 5 p.m. on April 13, 2021. The petition and financial disclosure shall be delivered to the Town by e-mail to [townoffice@townofchevyCHASE.org](mailto:townoffice@townofchevyCHASE.org). If a candidate is unable to deliver these documents by email, the candidate should contact the Town Manager at [thoffman@townofchevyCHASE.org](mailto:thoffman@townofchevyCHASE.org) prior to the submittal deadline.
- The Town will make available a nominating petition to any Town resident seeking election to the Town Council. A candidate for office is not required to use this form but must submit a petition containing the same information on the Town's form in order for the individual's name to be placed on the election ballot.
- Nominating petitions must be supported by 5 qualified voters of the Town. Nominating petitions need not be signed by the supporting voters. Instead, the supporting voters may indicate their support for the nominee by sending an e-mail to the Town to [townoffice@townofchevyCHASE.org](mailto:townoffice@townofchevyCHASE.org). The e-mail should state, "I hereby nominate (name) of (address) as a candidate for the Town Council of the Town of Chevy Chase." All nominating e-mails must contain the name and address of the nominator.
- Nominating petitions are considered public documents and are subject to public inspection.
- The Election Board shall verify the qualifications of the nominees and verify the e-mails submitted to support nominating petitions after 5 p.m. on April 13, 2021.
- The Election Board shall place names in nomination if by the deadline for filing nominating petitions there are not enough names of candidates on the ballot to fill the offices being selected at the election.

**Write-In Candidate Procedures**

- A Town resident seeking election to the Town Council as a write-in candidate shall submit a [certificate of candidacy](#) and a [financial disclosure statement](#) by 5 p.m. on April 27, 2021. The certificate of candidacy and financial disclosure statement shall be delivered by e-mail to the Town to [townoffice@townofchevyCHASE.org](mailto:townoffice@townofchevyCHASE.org). If a candidate is unable to deliver these documents

by email, the candidate should contact the Town Manager at [thoffman@townofchevy Chase.org](mailto:thoffman@townofchevy Chase.org) prior to the submittal deadline.

- A Town resident seeking election to the Town Council as a write-in candidate shall use the Town's official certificate of candidacy.
- Certificates of candidacy are considered public documents and are subject to public inspection.
- The Election Board shall verify the qualifications of write-in candidates within 24 hours of filing.
- Within 24 hours of receipt of a certificate of candidacy, the Election Board, in coordination with the Town Manager, shall inform town residents of the filing of the certificate of candidacy and the identity of such candidate. Such notice shall be provided by posting on the Town website and by email notification (Town Crier).
- There will be appropriate blanks on the printed ballot for the purpose of adding write-in candidates at the time of the election.

### **Voter Registration Procedures**

- A Town resident who is a citizen of the United States must be [registered as a voter of the State of Maryland in Montgomery County](#) to be eligible to vote in a Town election.
- A Town resident who is not a citizen of the United States but who is at least 18 years old, who has resided within the Town for at least 30 days, and who is not otherwise disqualified from voting pursuant to Section 401(b) of the Town Charter may register to vote in a Town election by submitting a completed [Town of Chevy Chase, Maryland Non-U.S. Citizen Resident Voter Registration Application](#) to the Town Office by e-mail to [townoffice@townofchevy Chase.org](mailto:townoffice@townofchevy Chase.org). In order to allow sufficient time for a ballot to be issued and voted, the registration must be completed by 5:00 p.m. on April 27, 2021. Town staff will retain the completed voter registration application forms.
- Town staff will prepare and maintain a list of registered voters in the Town who are not U.S. citizens and will provide that list to the Election Board and/or entity designated by the Town to assist with the conduct of the election.

### **Universal Vote by Mail Procedures**

- Ballots shall be returned in the Town-issued return envelope.
- Voters shall write their full legal name, address, and date of birth on the Town-issued return envelope and sign the affirmation. Ballots enclosed in an incomplete, illegible, or unsigned return envelope shall not be counted. The Town will not accept copies of ballots or ballot envelopes.
- If a voter desires their ballot to be mailed to an address that is different than the address in the precinct register, the voter should inform the Town by e-mail to [townoffice@townofchevy Chase.org](mailto:townoffice@townofchevy Chase.org) of the address to which the ballot should be mailed. In order to allow sufficient time for a replacement ballot to be issued and voted, any such request shall be made no later than 5:00 p.m. on April 27, 2021. Upon receipt of such request, any previously issued ballot and return envelope for that voter will be voided.
- In the event an issued ballot is lost or missing, a voter may request by e-mail to [townoffice@townofchevy Chase.org](mailto:townoffice@townofchevy Chase.org) that the Town's election service provider cancel the previously issued ballot and return envelope and issue a new ballot and return envelope. In order to allow sufficient time for a replacement ballot to be issued and voted, any such request shall be

made no later than 5:00 p.m. on April 27, 2021. Upon receipt of such request, any previously issued ballot and return envelope for that voter will be voided.

- If a resident did not receive a ballot because the resident's name did not appear on the precinct register, the resident can request a provisional ballot by email to [townoffice@townofchevy Chase.org](mailto:townoffice@townofchevy Chase.org). In order to allow sufficient time for a ballot to be issued and voted, any request for a provisional ballot shall be made no later than 5:00 p.m. on April 27, 2021. In order for the provisional ballot to be counted, the voter's registration must be reflected on the precinct register no later than Election Day, May 4, 2021.
- The Town's election service provider will keep a list of any voided or cancelled ballots and corresponding envelopes and will ensure that voided/spoiled ballots are not counted. The election service provider will provide this list to the Town Election Board upon request.
- The Town's election service provider will review each returned ballot envelope for the following to ensure a proper ballot is enclosed:
  - That the ballot return envelope was properly completed.
  - That the ballot return envelope is unopened.
  - That the control number on the ballot envelope matches the control number assigned to the voter.
  - That the person who signed the envelope is the person who was issued the ballot.
  - That the person who voted the ballot is a qualified voter in the Town.
  - That the ballot envelope has not been cancelled or spoiled.
  - That the ballot envelope is postmarked no later than May 4, 2021.
- If it is determined that a ballot is proper, the return envelope will be opened, and the ballot will be preserved. The precinct register will be updated to indicate that the voter cast a ballot.
- Any ballot that is found to be improper will not be opened. Improper ballots will not be counted provisionally.
- The Town election service provider shall provide all counted ballots, ballot return envelopes, and spoiled ballots to the Town for preservation according to the Town Charter.

### **Election Procedures**

- The Election Board may mail or distribute by such other means deemed appropriate, a notice of the election and these emergency election procedures. The Election Board shall endeavor to issue such notice at least 4 weeks prior to the election.
- The Election Board may mail or distribute by such other means deemed appropriate, a second notice of the election, containing the names of each candidate and a biographical sketch of each candidate, if available. The Election Board shall endeavor to issue such notice at least 2 weeks prior to the election.
- Town staff shall provide all election documents, including the precinct register and the list of registered voters who are not citizens of the United States, to the election service provider designated by the Town to assist with the conduct of the election.
- A list of all qualified candidates shall be posted on the Town website no later than April 27, 2021, including any write-in candidates who have been certified.
- Within 7 days after Election Day, the Town election service provider shall tally all votes cast and shall complete and certify an Official Count of Ballot Report. Write-in votes for uncertified candidates will be reported but not counted. The Election Board shall review and certify the results on the Report.

- Upon certification of election results, a member of the Election Board shall provide a copy of the report to a member of the Town staff and notify all candidates of the election results.

#### **Other Safety Measures**

- The Election Board and Town staff may implement such other measures as are consistent with this Emergency Plan and necessary to assure a safe election and protect the public health, safety, and welfare.
- The Town Council shall meet within 15 days following the certification by the Election Board of the election results, or at such other time determined by the Town Council, for the purpose of organization and swearing in of new councilmembers.