

Chevy Chase Village Police Department

General Order

Subject: CODE ENFORCEMENT

CALEA:

- New
- Amended
- Rescinds

Approved: <i>RA</i> Roy A. Gordon Chief of Police	Effective: 02-12-02	No. Pages: 13	Number: 5 - 46
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I. DEFINITIONS

A. Building Permit Requirements

Any work being done outside a residence that has the possibility of changing the footprint of the property, requires a Village Building Permit. The following activities would be included under this definition:

1. Construction or demolition of an addition, porch, garage or shed.
2. Installation, repair or replacement of exterior steps.
3. Installation or replacement of a fence, except if the portion of fence being repaired or replaced is less than 50% of the total fence. A permit is needed to install an underground/electric fence.
4. Installation, replacement or repair of a driveway, except for resealing of asphalt driveways.
5. Installation, replacement or repair of walkways.
6. Installation, replacement or repair of a parking pad.
7. Permanent installation of play equipment.
8. Installation or replacement of an air conditioning compressor.
9. Replacement of the roof. No permit is needed for minor roof repairs, gutter repairs and chimney repairs.
10. Installation of pools or ponds.
11. Construction of retaining walls.
12. Installation of underground irrigation systems.
13. Sheds on concrete pads.

There may be other activities that fit the criteria above and require the issuance of a building permit, but are not included in this list.

Except in emergency situations, excavations and other Utility Company work that is done on the Village streets or public right-of-way, must be pre-approved by

the Village Manager.

B. Dumpster Permit

All dumpsters in the Village require a CCV Dumpster Permit. Dumpsters must be on private property at all times. It is not acceptable for the dumpster to be put in the public right-of-way or street at any time, including changing out dumpsters.

C. Sign Permits

The only commercial signs that may be posted in the Village are real estate signs or temporary signs for events such as estate sales or yard sales held by Village residents. All other signs, including alarm signs, are prohibited by the CCV Code. A valid CCV sign permit sticker must be displayed on all real estate signs and temporary event signs.

D. Tree Removal Permits

A Village Tree Removal Permit is required for the removal of any tree that has a circumference of twenty-four inches (24") or more. This applies to trees located on private property as well as those on Village property. The circumference should be measured by placing a tape measure around the trunk at an approximate height of four feet, six inches (4'-6"). In addition, any work on a Village tree, including trimming by Utility Companies, must be pre-approved by the Village Manager.

II. INVESTIGATING CODE VIOLATIONS

A. Indications of Construction Activity

There are a number of indications of construction activity that an officer may observe. These include commercial vehicles parked in front of the house or in the driveway, visible on-going work, construction materials, construction equipment or dumpsters on the property. If tree service equipment is observed, it should be verified if any trees are to be removed.

B. Investigating Code Enforcement Issues

If construction activity is observed during business hours, the following steps should be followed:

1. Determine what type of work is being done by speaking to the resident, site supervisor or other construction personnel. Make sure the person's name, and if possible their phone number, is recorded in the shiftlog in case any questions arise later.
2. Determine if the work being done requires a permit. Check the property to see if the required CCV permits are displayed.
3. If there is no permit visible, contact the CCVDPD dispatcher and find

- out if any permits have been issued for the address. If a permit has been issued, make sure it covers the work actually being done.
4. If there is no record of a permit being issued, instruct the site supervisor or resident that all work must stop until the required permit(s) is/are obtained. Failure to stop work once instructed to do so may lead to the issuance of a citation.
 5. Dumpsters are not covered by a Building Permit, the resident must also have a valid Dumpster Permit.
 6. If a Dumpster Permit was not issued, the dumpster must be removed until the permit has been obtained.
 7. When a Tree Service is observed working at an address, verify if any trees are to be removed. If trees are to be removed and there is no tree removal permit on file, measure the tree to see if a permit is required. If the tree is over twenty-four inches (24") in circumference and no permit has been issued, the work should be stopped until the required permit has been obtained. Failure to obtain a Tree Removal Permit prior to the removal of a tree may lead to the issuance of a citation to the Tree Service Company.
 8. If any materials such as mulch, gravel or sand are left piled in the roadway or right-of-way, determine where the materials belong by contacting the residences in the immediate area. If any construction or landscaping work is being done in the immediate area, check with the site supervisors. Once the final destination for the materials has been established, make sure the roadway is cleared immediately.
 9. If a pile of material is found during a holiday or weekend, the surrounding residences should be contacted to determine which Company dumped the materials on the roadway. Once the responsible Company has been established, they should be contacted and instructed to remove the material immediately. Failure to comply with these instructions may lead to the issuance of a citation to the Company under Section 8-28 and will carry a fine of \$150.00.
 10. If it is not possible to have the pile of material removed immediately due to the lateness of the hour or another mitigating situation, the materials should be marked by cones or police tape so that it will not cause a hazard. If the officer feels that the pile of material is causing a serious hazard, then the Police Supervisor, Chief of Police and Village Manager should be paged to authorize the necessity of calling Public Works into the Village to remove the material.

C. Actions to be Taken for Violations

1. Violation of Section 8-4 (Residential Building Permits)
 - a. After determining that the work being done requires a CCV Building Permit and that no permit has been issued, the site supervisor, contractor or resident should be instructed that

all work must be stopped immediately. The only exception is work necessary to secure the site or make it safe prior to the crew leaving. This could include placing barriers around excavation, covering supplies and placing plastic sheeting over open portions of the house.

- b. Direct the site supervisor, contractor or resident to go to the CCV Office during normal business hours to file a permit application. They may wish to call the office to determine what materials will be needed to file the permit application.
- c. If the work is not stopped in a reasonable amount of time, a citation may be issued under Section 8-4 of the CCV Code and will carry a fine of \$100.00.
- d. The CCVPD Dispatcher and the CCV Office should be advised of any violations that are found. If violations are found during non-business hours, the Police Supervisor, Chief of Police and Village Manager should be paged and informed of the situation. If the Village Manager feels it is necessary, he may wish to have a Stop Work Order placed on the site.
- e. The site should be checked on a regular basis to ensure that no further work is done until the permit has been issued.

2. Violation of Section 8-14 (Violation of Stop Work Order)

- a. Once a site has been posted with a Stop Work Order, no further work is to be done until the Order is lifted by the Village Manager.
- b. If work is resumed prior to the Order being lifted by the Village Manager or if the Stop Work Order is physically removed from the property, a citation will be issued and will carry a fine of \$150.00.

3. Violation of Section 8-22 (Fences, Walls, Hedges and Shrubbery)

- a. If any portion of a hedge, shrub or tree on private property extends out onto the street or sidewalk so that it interferes with pedestrian or vehicular traffic, the owner of the property should be contacted and instructed to remove the portion extending beyond their property.
- b. If the resident fails to comply with a verbal request, then the matter should be referred to the Chief of Police and the Chief will send a letter to the resident.
- c. If the resident still refuses to comply, the Chief of Police will coordinate with the Village Manager to request the CCV Public Works Department to trim the overgrowth. The Chief of Police and Village Manager will determine if a citation will be issued to the resident under this Section. The fine will be \$25.00.
- d. This Section also requires that no hedge, shrub or tree on

private property may extend out into the area of an intersection so that it obstructs the view or interferes with either pedestrian or vehicular traffic. The procedures for dealing with a violation of this Section of the Code should be the same as that outlined above.

- e. Any fence or wall between the front lot line and the front building restriction line that exceeds forty-eight inches (48") in height is in violation of this Section of the Code.
 - f. Any other fence may not exceed six feet, six inches (6'-6") in height. In both cases, the measurement should be taken from the lowest surface of the ground in front of the fence or wall to the highest portion of the fence or wall. Certain exceptions may be granted by the Board of Managers. If an exception has been granted, it will be noted on the Village Building Permit.
 - g. If a fence is under construction and does not comply with the Village Code requirements, work should be stopped until either the fence is brought into compliance or a special exception is granted.
 - h. If the resident refuses to bring the fence into compliance, a citation may be issued under this Section. The fine will be \$25.00.
4. Violation of Section 8-26 (Driveways)
- a. Driveways shall not exceed fifteen feet (15') in width. The apron in front of a two car garage may extend the full width of the garage, not to exceed twenty feet (20') in length.
5. Violation of Section 8-28 (Disruption of Village Streets)
- a. When a dumpster is placed on the street, the Company is to be issued a citation under this Section. The citation may be given to the driver of the dumpster hauling truck, or, if that is not possible, the citation may be issued to the contractor or site supervisor who rented the dumpster.
 - b. The dumpster must be removed immediately and the location on the street where the dumpster was located should be examined for damage. If there is any damage, a Village report should be filed and the CCV Office should be advised to the extent of the damage and the identity of the Company responsible. If possible the damage should be photographed.
 - c. This Section may also be used if piles of mulch, gravel or other materials are left on the street.
6. Violation of Section 8-32 (Snow Removal From Public Sidewalks)
- a. If snow is not cleared from the public sidewalk abutting any

resident's property within 48 hours of the cessation of snow, sleet or freezing rain, a citation may be issued under this Section of the Code. The fine will be \$50.00.

- b. If the resident still refuses to have the snow/ice removed from the abutting sidewalk, the information should be given to the Chief of Police for referral to the CCV Office.

7. Violation of Section 10-10 (Accumulation of Refuse on Private Property)

- a. If refuse is accumulated on private property, except in approved trash receptacles, a citation may be issued under this Section of the Code. The fine will be \$50.00.
- b. Residents are allowed to have compost piles as long as the compost does not attract vermin or produce an offensive odor.
- c. Residents may pile firewood in their yards as long as the wood is cut into fireplace sized lengths and does not attract vermin.
- d. If a resident has compost or firewood that is attracting vermin, it must be removed or the resident may be given a citation under this Section of the Code. The fine will be \$50.00.

8. Violation of Section 10-11 (Refuse on Public Property)

- a. Any individual or Company that places refuse in the public right-of-way, sidewalk or street may be issued a citation under this Section of the Code. The fine will be \$50.00.
- b. This charge may be used if a full dumpster is placed on the street or if construction debris is piled on public property.
- c. Once a citation is issued, the officer should ensure that the refuse is removed immediately. If the individual/company refuses to remove the refuse, the Chief of Police should be notified so that the matter can be referred to the CCV Office for further action.

9. Violation of Section 12-5 (Posting of Signs on the Public Right-of-Way)

- a. No sign may be posted in the public right-of-way, with the following exceptions:
 - 1. Real estate signs with the required Village sign permit sticker displayed.
 - 2. Religious or personal signs with the required Village sign permit displayed.
 - 3. Political signs (see Section 12-7 for requirements).

- b. If any other type of sign is posted in the public right-of-way, a citation may be issued under this Section of the Code. The fine will be \$15.00.

10. Violation of Section 12-7 (Signs Permitted)

- a. The following signs are permitted on private and public property in the Village:

- 1. Real Estate Signs
- 2. Political Signs
- 3. Religious or Personal Signs

- b. The following requirements must be met for the posting of these signs:

- 1. Real Estate Signs

- i. Signs are not to be illuminated.
- i. Sign must not exceed six (6) square feet.
- ii. Only one sign per street frontage.
- iii. Sign must be removed as soon as the house is sold. ("Under Contract" placards are allowed, "Sold" placards are not.)
- iv. Signs on private property must be located at least five feet (5') from the property line.
- v. Temporary "Open House" signs may be posted in the public right-of-way only while the house is actually open for inspection.
- vi. All real estate signs must display a valid Village Sign Permit sticker.

- 2. Political Signs

- i. Political signs may be posted on private property 60 days prior to an election.
- ii. Political signs may be posted on public property 30 days prior to an election.
- iii. Political signs must be for candidates, issues or propositions on which Village residents are eligible to vote.
- iv. Signs shall not exceed nine (9) square feet.
- v. Signs must be erected on a freestanding stake.
- vi. Signs posted on private property must be located at least five feet (5') from the property line.
- vii. All political signs must be removed within seven (7) days following the election.

3. Temporary Signs (i.e. Yard Sale, Estate Sale, etc.)

- i. Temporary event signs for yard sales or other non-commercial events may be posted in the public right-of-way on a stake or tied to a tree. This also applies to Real Estate Open House signs. Signs are not to be nailed or stapled to trees.
 - ii. Temporary event signs must display a valid Village Sign Permit sticker. Generally only ten (10) Sign Permit stickers will be issued per event.
- c. If any of the signs listed above are displayed without meeting the CCV Code requirements, a citation may be issued under this Section of the Code. The fine will be \$15.00.

11. Violation of Section 12-8 (Prohibited Signs)

- a. No commercial signs are permitted on either private or public property in the Village.
- b. Signs identifying commercial companies are prohibited, this includes alarm companies.
- c. When an alarm sign is posted on private property, the resident should be contacted by the officer and informed that the sign must be removed. If the resident does not comply, then the information should be forwarded to the Chief of Police for further action.
- d. If a commercial sign is posted, a citation may be issued under this Section of the Code. The fine will be \$25.00. Whenever possible, the citation should be issued to the Company being advertised, not the resident.

12. Section 12-9 (Removal of Signs in Violation of This Chapter)

- a. Any sign that is prohibited in this Chapter and has been posted in the public right-of-way may be removed immediately by the officer.
- b. If there is no representative from the Company on site, the sign will be brought to the CCVDPD Station.
- c. The Company listed on the sign should be contacted by the officer or CCV dispatcher. If this cannot be done or if the sign is not picked up from the CCVDPD Station in a reasonable amount of time, the officer should follow department policy on recovered property.

13. Violation of Section 17-2 (Permit Required for Removal of Trees on

Private Property)

- a. No tree with a circumference of at least twenty-four inches (24") at a height of four and a half feet (4.5') above ground level shall be removed without a valid Village Tree Removal Permit. The circumference of the tree is measured by placing a tape measure around the trunk of the tree at a height of four and a half feet (4.5') above ground level. If there is a division in the trunk of the tree before this height, the trunk shall be measured immediately below the dividing point.
 - b. Failure to obtain a Village Tree Removal Permit prior to the removal of a tree on private property that meets the size requirement, will lead to the issuance of a citation under this Section of the Code. The fine will be \$400.00.
14. Violation of Section 17-7 (Permit Required for Removal of Trees from the Public Right-of-Way)
- a. No tree may be removed from the public right-of-way without first obtaining a Village Tree Removal Permit. If this Section is violated, a municipal citation may be issued under this Section of the Code. The fine will be \$400.00 if the tree is twenty-four inches (24") in circumference or more. The fine will be \$200.00 if the tree is smaller than twenty-four inches (24") in circumference.
15. Violation of Section 17-9 (Violation of Stop Work Order)
- a. If the Village Manager or his designee determines that a tree is being damaged by any work on the property, including construction or excavation, a Stop Work Order may be issued. The posting of the Order in a visible location on the site will be considered sufficient service. If work is continued before the Stop Work Order is lifted or if the Stop Work Order is removed by anyone other than the designee of the Village Manager, a municipal citation may be issued under this Section of the Code. The fine will be \$100.00.
16. Animal Control Violations
- a. **Animal Control Violations should be written on a civil citation not a municipal citation**, and the offense should be charged under the appropriate Section of Chapter 5 of the Montgomery County Code.

The most common charges are listed below along with the

Section, definition and fine:

1. Dog or unaltered cat running at large. Montgomery County Code 5-203 (a) (1). No dog or unaltered cat may be allowed to run at large. A warning must be issued for the first offense under this Section. If the complaint involves a cat running at large and the owner can provide proof that the cat has been altered, then no charge should be made. The fine is \$100.00 and it is considered a Class A offense.
2. Dog creating a public nuisance. Montgomery County Code 5-202 (a) (1). No dog may be allowed to molest, attack or interfere with the freedom of movement of persons or other domestic animals in the public right-of-way. The fine is \$500.00 and it is considered a Class A offense.
3. Vicious or dangerous animals. Montgomery County Code 5-202 (a) (3). The owner of any dangerous and vicious animal is required to confine the animal so as to prevent direct contact between the animal and human beings or other animals. In addition, when being walked, the animal must be muzzled, leashed and under the control of a person over sixteen (16) years of age. Failure to do so will lead to the issuance of a citation under this Section. The fine will be \$100.00 and it is considered a Class B offense.
4. Removal of dog feces. Montgomery County Code 203 (a) (2). Any person owning or in charge of a dog must not allow the dog to defecate on any street, sidewalk, path, common area or on the private property of another person. If the dog defecates in any of these areas, the owner/person in charge of the dog is required to remove the feces immediately and dispose of it in a sanitary manner. Failure to do so will lead to the issuance of a citation under this Section. The fine will be \$100.00 and it is considered a Class B offense.
5. Female dog in heat. Montgomery County Code 5-203 (a) (4). The owner of any female dog in heat is required to keep the dog confined so as to prevent the attraction of other animals. Failure to do so will lead to the

issuance of a citation under this Section. The fine will be \$100.00 and it is considered a Class B offense.

6. Barking dog. Montgomery County Code 5-203 (a) (6). No owner shall allow a dog to bark excessively. If the dog does bark excessively, a citation may be issued to the owner under this Section. The fine will be \$100.00 and it is considered a Class B offense.

17. Violation of Section 19-3 (License Required)

- a. It is unlawful for any person to vend or solicit in Chevy Chase Village without first obtaining a Village license.
- b. The Village permit may be obtained from the Chevy Chase Village Police Department Dispatcher after the Village permit application has been completed and proof of a valid Montgomery County permit has been provided.
- c. There will be a charge of \$25.00 for each permit issued except for charitable or non-profit organizations, who will be issued permits at no charge. The permits expire the first June 30th to occur following the date of issuance.
- d. When the permit is issued, the applicant will be given a list of houses that do not wish to be solicited and informed that any solicitation made to any of the residents on the list may lead to the Village permit being revoked.
- e. Each person who is soliciting in the Village must display the permit and a copy of the list upon request.
- f. Solicitations are only to be made during the hours of 9:00 a.m. and 8:00 p.m., Monday through Saturday. No solicitations are allowed on Sundays.
- g. Soliciting without the Village permit may lead to the issuance of a citation under this Section of the Code. The fine will be \$50.00.

18. Violation of Section 19-9 (License Display)

- a. Each solicitor shall display a current license prominently on their person.
- b. The permit may be used only by the person to whom it was issued, any other use is unauthorized.
- c. The solicitor will display the permit upon request.
- d. Failure to comply with this Section may lead to the issuance of a citation, the fine being \$50.00 for the first violation and \$75.00 for any subsequent violations. This Section may also be used to cite solicitors who distribute advertisements or attempt to sell anything except during the hours listed in Section 19-3. The fines for this violation will also be \$50.00

for the first violation and \$75.00 for any additional violations.

19. Violation of Section 20-2 (Noise Control)

- a. No person shall sound a horn or other signaling device on any motor vehicle except as an emergency or danger signal.
- b. Except in an emergency, outdoor power equipment such as lawn mowers, chain saws or other motorized equipment may not be operated during the hours of **9:00 p.m. and 7:00 a.m., Monday through Saturday, or before 9:00 a.m. on Sundays.**
- c. No radio, television, loud speaker or other noise producing equipment may be used in a manner that disturbs the serenity, comfort or repose of others particularly between the hours of **10:00 p.m. and 8:00 a.m., on weekdays and between 12:00 midnight and 8:00 a.m. on Fridays, Saturdays, and nights before holidays.**
- d. No musical instrument shall be played in a manner that disturbs the serenity, comfort or repose of others between the hours of **10:00 p.m. and 8:00 a.m. on weekdays and between 12:00 midnight and 8:00 a.m. on Fridays, Saturdays or nights before holidays.**
- e. No animal shall be allowed to cause noise which disturbs the serenity, comfort and repose of others.
- f. When determining if a noise meets the criteria of this section, the following factors should be taken into consideration:
 1. The circumstances and occasion under which the noise is created.
 2. The duration of the noise.
 3. Whether the noise poses a special hazard or nuisance to others because of their age, physical condition or special illness.
- g. Violation of this Section of the Code may lead to the issuance of a citation. The fine will be \$25.00.

20. Violation of Section 21-3 (Audible Sound)

- a. Any alarm installed on or after June 1, 1984 must automatically discontinue emitting an audible sound within thirty (30) minutes of activation. Failure to do so may lead to the issuance of a citation under this Section of the Code. The fine will be \$50.00.

21. Violation of Section 21-4 (Failure to Display Alarm Permit Decal)

- a. All alarm users must obtain an alarm permit from the Village. The permit sticker issued to the resident must be displayed prominently in a location where it can be read from the outside of the building. Failure to do so may lead to the issuance of a citation to the resident under this Section of the Code. The fine will be \$15.00.