

## Chapter 65. Drummond. [Note]

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### Notes

[Note] \***Editor's note**-Chapter 65 is cited in Council of Chevy Chase View v. Rothman, 323 Md. 674, 594 A.2d 1131 (1991).

### **Sec. 65-1. Constituted special taxing area; boundaries defined.**

For the purposes of this chapter, the Village of Drummond, Montgomery County, Maryland, as hereinafter described, shall constitute a special tax area or district and shall be deemed and taken to comprise certain parcels of land, namely: The subdivision in said Montgomery County called "Drummond" as per plat no. 48, recorded in Plat Book No. 1, one (1) of the land records for said Montgomery County, and the adjoining subdivision called "First Addition to Drummond" as per plat no. 89, recorded in said Plat Book No. 1. (Mont. Co. Code 1965, § 65-1; 1916, ch. 22, § 1.)

### **Sec. 65-2. Portion of territory excluded from village, etc.**

(a) On and after April 25, 1947, the following described area shall no longer be included within the special taxing area of the Village of Drummond, Montgomery County, Maryland: Lots numbered One, Two, and Three in the Village of Drummond, located at the southwest corner of Wisconsin and Hunt Avenues.

(b) The owner or owners of the property in said area shall not hereafter be levied upon for taxes applicable only to the special taxing area of the said Village of Drummond, nor shall any indebtedness of said special taxing area, incurred after April 25, 1947, be a lien upon the area so removed from said special taxing area; provided, that any future levy for any bond or indebtedness of said special taxing area, incurred before April 25, 1947, or any extension, refinancing or renewal thereof, shall include the owners of and be a lien upon the property within said excluded area; provided, however, that nothing herein contained shall be construed to relieve either the owner or the property in said area from the obligation of the tax levy of July 1, 1946. (Mont. Co. Code 1965, § 65-2; 1947, ch. 746.)

### **Sec. 65-3. Annual levy; treasurer's bond; payments from county; purposes for which funds to be used.**

The county council for Montgomery County is hereby authorized, empowered and directed to levy and cause to be collected from the property owners at the time of the county tax levy for the year commencing July 1, 1916, and ending June 30, 1917, and each succeeding year, within the said village known as Drummond, as named and created by this chapter, fourteen cents (\$0.14) on each one hundred dollars (\$100.00) of the assessable value of the real property other than operating real property of a public utility and thirty-five cents (\$0.35) on each one hundred dollars (\$100.00) of the assessable value of the personal property and operating real property of a public utility in said village, to be collected as all other county taxes in said county are collected; to be paid over by said county council to the treasurer of the committee herein authorized to be created, or his successors selected by the majority of the members as said committee, upon said treasurer having been duly selected by a majority of said committee, and giving corporate bond to Montgomery County, Maryland, satisfactory to and approved by the county manager and the county attorney in a penal sum to be fixed by them, conditioned upon the faithful discharge of the duties of said treasurer; the said county council shall also order and have paid over to said treasurer the proportion of the county road tax to be levied and collected in the same manner as though said Village of Drummond was an incorporated town, and the said village shall for that purpose, be considered by said county council as an incorporated town in said county; all of said funds to be used directly by or through said committee, exclusively for opening, improving, widening, maintaining, repairing and lighting the streets, roads, lanes, approaches, alleys, sidewalks, parking, drainage, sewerage, sanitation and other village improvements, and for furnishing police and fire protection, clerical and other public service, including the removal of ashes, garbage and other refuse, and the disposal thereof, and for the enforcement of the requirements of all conveyances for properties situated in said village, and for enforcing such building, sanitary and other regulations as said committee, subject to the approval of the county council may prescribe for said village, or for any part thereof. (Mont. Co. Code 1965, § 65-3; 1916, ch. 22, § 2; 1951, ch. 558, § 1; 2003, ch. 247.)

### **Sec. 65-4. Reduction of levy.**

If in any year the majority of the said Drummond Citizens' Committee shall decide the sum hereinbefore authorized to be taxed and levied is in excess of the amount required for the ensuing year, then and in that event, the said committee may, on or before April 15 of any year, notify in writing the county council of Montgomery County to make a reduction in the said levy of fourteen cents (\$0.14) on each one hundred dollars (\$100.00) of assessable value of real property other than operating real property of a public utility and thirty-five cents (\$0.35) on each one hundred dollars (\$100.00) of assessable value of personal property and operating real property of a public utility, as hereinbefore provided for, the amount of said reduction to be determined by the said committee and specified in the said notification to the county council; and upon receipt of such notification, the board of county council of Montgomery County is authorized, empowered and directed to make a levy less than the said fourteen cents (\$0.14) or thirty-five cents (\$0.35) in the amount determined and specified by the said committee. (Mont. Co. Code 1965, § 65-4; 1916, ch. 22, § 3; 2003, ch. 247.)

#### **Sec. 65-5. Citizens' committee-Elections; oath of office, etc.**

On the first Monday in May in the year 1917 and on the same day in each year thereafter, an election shall be held in the said Village of Drummond for the election of three (3) committeemen, each of whom shall have been a resident of said Village of Drummond for six (6) months previous to said election, and over the age of twenty-one (21) years, the three (3) said committeemen to be and constitute the Drummond Citizens' Committee for the ensuing year, each of whom shall qualify within twenty (20) days after said election by taking the oath prescribed by the Constitution of Maryland, before an officer of the law duly commissioned to administer same. The annual election of said committeemen, as herein provided shall be held under and in accordance with the laws of the State of Maryland, but the returns thereof shall be made to the county council of Montgomery County; all residents of said Village of Drummond for six (6) months previous to said election, and over the age of twenty-one (21) years, shall be eligible to vote at such elections; said elections shall be conducted by three (3) judges of election and two (2) clerks, to be appointed by said committee, who shall serve without pay; and the polls of said election shall be open from 7:00 p.m. to 9:00 p.m. on the first Monday in May as hereinbefore provided. (Mont. Co. Code 1965, § 65-5; 1916, ch. 22, § 4.)

#### **Sec. 65-6. Same-General powers; special assessments, etc.**

(a) Said Drummond Citizens' Committee is empowered to grade, pave, macadamize or otherwise improve any existing street, road or lane, or any street, road or lane which has been or may be acquired and opened for public use, and to lay sidewalks and curbs thereon; provided, that said Drummond Citizens' Committee, subject to the approval of the county council and after petition of residents and hearing, as hereinafter provided, shall have power to assess the cost, or any part of the cost, of said grading, paving, macadamizing or improving against the property abutting on said street, road or lane, or sidewalk, in proportion to the frontage of said abutting property on the same; provided, further, that upon the petition in writing of two-thirds of the residents owning property abutting upon any street, road or lane to be graded, paved, macadamized or otherwise to be improved under the provisions of this section requesting the grading, paving, macadamizing or otherwise improving of such streets, roads or lanes, it shall be the duty of the Drummond Citizens' Committee to make the said assessment against the abutting property to provide the funds for and cause to be performed the necessary work or construction to be done in accordance with the provisions herein provided; and provided, further, that before any contract for work shall be entered into, or any obligation with respect thereto incurred, notice shall be given to the owners and others of record interested in said abutting property of a hearing at which they will be given an opportunity to be heard, such hearing to be had before said Drummond Citizens' Committee, which shall decide the matters properly brought before it; and any party affected by the final decision of said Drummond Citizens' Committee made after such hearing shall have the right to appeal therefrom within ten (10) days to the circuit court of Montgomery County.

(b) Any tax so assessed, as above provided in this section, shall be payable to the county treasurer in from four (4) to ten (10) semiannual installments, as nearly equal as may be, the first installment thereof to become due and payable within six (6) months after the levy of said special tax as above provided, and each of the other said installments within six (6) months after the preceding one (1) shall have become due; each installment of said tax shall become a lien against said abutting property and shall bear interest from the date of levy thereof at the rate of six (6) per centum per annum until paid; or said tax may be paid in full without interest during the first installment period, and if any of said installments thereof be not paid within thirty (30) days after same shall have become due, the entire amount of said tax assessed to the person or persons or corporation in default, with interest, shall thereupon become due and payable, and may be collected in the same manner provided in the act for the collection of unpaid taxes. And the said Drummond Citizens' Committee shall have the power to prescribe the number of semiannual installments in which the tax so assessed, as above provided, shall be payable.

(c) All money so received by said county treasurer shall, upon order of said county council, be paid over to the treasurer of said Village of Drummond, and the said Drummond Citizens' Committee shall become charged with the duty of paving, grading, macadamizing or otherwise improving said streets, roads, lanes or sidewalks within said village.

(d) For the purpose of making the improvements provided for in this section, the said Drummond Citizens' Committee is hereby authorized and empowered to borrow money and otherwise contract indebtedness and obligate said Village of Drummond in an amount not exceeding at any time the sum of four (4) per centum of the assessed valuation of the real property other than operating real property of a public utility and ten (10) per centum of the assessed valuation of the operating real property of a public utility within said village, and for this purpose said Village of Drummond shall be and hereby is constituted a corporation, and the said Drummond Citizens' Committee is empowered to act for said corporation; provided, that should there be default on bonds or other indebtedness incurred by the said citizens' committee of the said Village of Drummond for the said village, it shall be the duty of the county council of Montgomery County to levy or have levied special general taxes against the real property of said Village of Drummond to the extent only that such default bonds or incurred indebtedness shall be liquidated. (Mont. Co. Code 1965, § 65-6; 1916, ch. 22, § 5; 1924, ch. 80; 2003, ch. 247.)

**Editor's note** - [Resolution 17-1162](#), adopted July 15, 2014, by the Montgomery County Council, adopts regulations governing streets for the Village of Drummond.

**Sec. 65-7. Same-Removal by county council; treasurer and other officers generally.**

Any member of the Drummond Citizens' Committee may be removed by the county council upon the charge of malfeasance or misfeasance in office, preferred by a member of said committee, after due notice of said charge and opportunity has been given in defense thereof, and a hearing to be fixed therefor. The said treasurer and other officers of said Village of Drummond shall hold their offices or positions at the pleasure of said Drummond Citizens' Committee or in conformity with contracts which may be made by and between said committee and such officers and employees, for a period not to extend beyond the limits of the terms of office of said committee. (Mont. Co. Code 1965, § 65-7; 1916, ch. 22, § 6.)

**Sec. 65-8. Same-Competitive bidding.**

Said Drummond Citizens' Committee shall not expend for material or work in connection with anyone undertaking a sum exceeding three hundred dollars (\$300.00) without having first advertised the specifications therefor and inviting bids for the same, after which said committee may purchase such material or make contract for such work, or have such work done by employing labor, or otherwise, as it may deem best. (Mont. Co. Code 1965, § 65-8; 1916, ch. 22, § 7.)

**Sec. 65-9. Same-May recommend regulations for adoption by county council.**

The said county council may, upon recommendation of the Drummond Citizens' Committee, adopt such regulations with respect to dumping of garbage, sanitation, erection of buildings, care of property, or other police or health regulations, and provide penalties for the violation thereof as said board may deem proper, which regulations may be enforced by or through said committee. (Mont. Co. Code 1965, § 65-9; 1916, ch. 22, § 8.)

**Sec. 65-10. Same-Members not to be held individually or personally liable for official acts.**

Said members of said Drummond Citizens' Committee, for the purpose of making contracts or otherwise incurring liabilities in the performance of the duties provided by this subtitle shall be considered in law as a corporation, and are not to be held individually or personally liable in connection therewith. (Mont. Co. Code 1965, § 65-10; 1916, ch. 22, § 9.)

**Sec. 65-11. Treasurer's duties, etc.**

The treasurer of said Drummond Citizens' Committee shall deposit all funds coming into his hands, as such, in depository or depositaries as may be designated by the majority vote of the said committee, duly recorded in the minutes thereof, to his credit, as such treasurer, and that said treasurer shall not dispose of any of the funds coming into his hands, as such treasurer, except upon check, duly signed by him, as such treasurer, and countersigned by the chairman of said committee, or some member thereof acting as chairman; said acting chairman shall be duly authorized to act by resolution of said committee which must be first placed upon the minutes of the committee. (Mont. Co. Code 1965, § 65-11; 1916, ch. 22, § 10.)