

Montgomery County Code

Part III. Special Taxing Area Laws. Chapter 70. Oakmont.

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Sec. 70-1. Constituted special taxing area; boundaries prescribed.

For the purpose of this chapter, the subdivision of Oakmont of Montgomery County, Maryland, bounded as per plat recorded among the land records of Montgomery County, shall constitute a special tax area or district. (Mont. Co. Code 1965, § 69-1; 1918, ch. 190, § 1; 1979, ch. 728, § 1.)

Sec. 70-2. Annual levy; selection of treasurer; bond; purposes for which funds shall be spent.

The county council for Montgomery County is 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 1918, and each succeeding year within the area of Oakmont as created by this chapter amounts to be fixed by them not less than four cents (\$0.04) nor more than twenty cents (\$0.20) on each one hundred dollars (\$100.00) worth of assessable real property other than operating real property of a public utility and not less than ten cents (\$0.10) nor more than fifty cents (\$0.50) on each one hundred dollars (\$100.00) worth of assessable personal property and operating real property of a public utility in the subdivision of Oakmont, Montgomery County, to be collected as other county taxes in the county are collected, to be paid over by the county council to the treasurer of the Oakmont Subdivision to be selected from among their number by a majority of the members of the Oakmont Citizens' Committee of Oakmont Subdivision, or by their successors to be selected as herein provided. Upon the treasurer having been duly selected by the committee and giving corporate bond to Montgomery County, Maryland, satisfactory to and approved by the county executive or his designee and the county attorney in a penal sum to be fixed by them, conditioned upon faithful discharge of the duties of the treasurer, the county council shall also order and have paid over to the treasurer the proportion of the county road tax to be levied and collected in the same manner as though the subdivision of Oakmont was an incorporated town, and the subdivision of Oakmont shall for that purpose be considered by the county council as an incorporated town of the county; and the proportion of the county road tax received by the treasurer of the Oakmont Subdivision shall be used by the Oakmont Citizens' Committee exclusively for the maintaining and repairing of streets and lanes within the Oakmont Subdivision that may have been dedicated to the public or to Montgomery County and whether accepted by the county or not; all other funds to be used by the Oakmont Citizens' Committee directly or through the committee exclusively for maintaining, repairing, lighting the streets, roads, alleys, sidewalks, parking, sanitation and other maintenance and upkeep of existing improvements, for purposes set forth in section 70-3(c), and

for enforcing such regulations as the citizens' committee may prescribe for Oakmont Subdivision, or any part of the section thereof. (Mont. Co. Code 1965, § 69-2; 1918, ch. 190, § 2; 1951, ch. 558, § 1; 1979, ch. 728, § 1; 2003, ch. 247.)

Sec. 70-3. Citizens' committee-Election; terms; vacancies; oath of office, etc.

The said Oakmont Citizens' Committee shall be constituted as follows: Oliver Owen Kuhn, Charles A. Read and James C. Adkins, who shall serve until the qualification of the committeemen to be elected in April, 1919, as herein provided, and vacancies therein shall be filled by the remaining committeemen as hereinafter provided, the first shall, until otherwise directed by said committee, be and constitute the chairman thereof, each of whom shall qualify as such committeeman by taking an oath before any officer of said Montgomery County authorized by law to administer oaths to diligently and faithfully discharge all duties of the office. In case any such persons shall fail to qualify within ten (10) days after April 10, 1918, or any of their successors shall fail to qualify within ten (10) days after his election as committeeman as hereinafter provided, or in case of any vacancy through death, resignation, removal from said Oakmont Subdivision, or otherwise, the remaining committeemen shall fill such vacancy by appointment of a bona fide property holder and taxpayer, who shall hold office until the next election as hereinafter provided.

On the second Tuesday in April, 1919, three (3) members of said citizens' committee shall be elected, one (1) to serve one (1) year, one (1) to serve two (2) years and one (1) member to serve three (3) years. On the second Tuesday in April, 1920, and on the second Tuesday in April of each following year, an election shall be held at which a committeeman shall be elected to succeed the committeeman whose term has expired, and at which committeemen shall be elected to fill such vacancies as may exist, but the committeemen so elected to fill such vacancies shall serve only for the remainder of the unexpired term. Election shall be by ballot in a manner prescribed by the said citizens' committee. Only those residents who have been property holders and taxpayers in said Oakmont Subdivision shall be entitled to vote or hold the office of committeeman. Following each election each newly elected member of the said citizens' committee shall qualify by taking an oath before any officer of said Montgomery County, authorized by law to administer oaths, to diligently and faithfully discharge all duties of office. Said committee shall select from their number a chairman, secretary-treasurer and any other officers they may deem necessary.

The members and officers of the Oakmont Citizens' Committee shall be compensated for their services in an amount determined by the committee. Any change in such compensation is not effective until the qualified voters of Oakmont have been given an opportunity to vote thereon and the change has been approved by a majority of the votes cast. (Mont. Co. Code 1965, § 69-3; 1918, ch. 190, § 3; 1979, ch. 728, §1; 2003, ch. 423, § 1.)

Sec. 70-4. Same-General powers; special assessments.

Said Oakmont Citizens' Committee is empowered to grade, pave, macadamize or otherwise improve any existing dedicated street, road or lane, or any road, street or lane which has been or which may be acquired and open for public use, but which is ungraded, unpaved or unimproved and to lay sidewalks and curbs thereon; provided, that said citizens' committee, subject to the approval of the county council and after due publication thereof, shall have power to assess the cost of said grading, paving, macadamizing or improving against the property abutting on said street, road, lane or sidewalk, in proportion to the frontage of said abutting property on the same. Such lots platted as fronting on already existing improved roads, lanes or streets, but which abut on such streets or lanes as are to be improved under the provisions of this chapter, shall be assessed in accordance to benefits accruing from such new improvements as are herein provided for, such benefits to be determined by one (1) member of the county council, one (1) member of the Oakmont Citizens' Committee and one (1) resident of Montgomery County to be chosen by

aforesaid member of county council and member of Oakmont Citizens' Committee. All property acquired by the citizens' committee under this section shall be held for the benefit of the citizens of the said Oakmont Subdivision.

Any tax so assessed as above provided in this section shall be payable to the county treasurer in not less than eight (8) annual installments nor more than fifteen (15) as nearly equal as may be, the first installment thereof to become due and payable the first day of July next succeeding the making of such special assessment as herein elsewhere provided, and to be collected as county taxes in said county are collected, and any tax so assessed as provided in this section shall be subject to interest from said first day of July until paid, at the rate of six (6) per cent per annum. Each annual installment shall become a lien against said abutting property and any such installment not paid by the first of January following its becoming due shall be subject to the same penalties and shall be collected in the same manner as provided for the collection of unpaid taxes in the said county. All taxes assessed as provided in this section shall be paid over by the treasurer of said county to the treasurer of the Oakmont Subdivision, who shall devote such funds to the exclusive purpose of paying for the special improvements herein provided for or any indebtedness which may be incurred therefor.

Said Oakmont Citizens' Committee shall have the power to pave, grade, macadamize or otherwise improve said streets, roads or lanes or sidewalks within said Oakmont Subdivision; provided, 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 an opportunity to be heard, such hearing to be had before said Oakmont Citizens' Committee, which shall decide the matters properly brought before it. Any party affected by the final decision of said citizens' committee, made after such hearing, shall have the right to appeal therefrom within ten (10) days to the circuit court of Montgomery County; and provided further, that upon the petition of a majority of the resident property owners 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 any such streets, roads or lanes, it shall be the duty of the said citizens' committee to make the assessment against the abutting property owners, to provide the funds for and cause to be performed the necessary work or construction to be done in accordance with the provisions hereinabove provided. (Mont. Co. Code 1965, § 69-4; 1918, ch. 190, § 4; 1922, ch. 163.)

Sec. 70-5. Same-Competitive bidding, etc.

The Oakmont Citizens' Committee may not expend for material or work a sum exceeding ten thousand dollars (\$10,000.00) without having first advertised the specifications and invited bids for the same, after which the Committee may purchase such material, contract for such work, or have such work done by employed labor as it may deem best. Provided further that the Committee may, by unanimous vote, enter into a contract exceeding \$10,000 without seeking competitive bids in the event that such contract is necessary to meet an urgent need. No member of the Citizens' Committee may furnish any supplies of any kind or contract in any manner with the Citizens' Committee. (Mont. Co. Code 1965, § 69-5; 1918, ch. 190, § 5; 1979, ch. 728, § 1.)

Sec. 70-6. Same-Regulations; enforcement.

The citizens' committee, subject to the approval of the county council, may adopt such regulations with respect to dumping of garbage, sanitation, erection of buildings, tearing up of streets, speed regulations, care of property, removal of snow, ice or other police or health regulations, and may provide penalties for the violation thereof, as the committee may deem proper, after giving the residents of Oakmont reasonable notice and opportunity to be heard with respect to these

regulations.

The district court in Montgomery County shall have jurisdiction to try and determine any violation of any of the regulations and to impose penalties thereby provided. The sheriff of the county and his deputies and any police officer in the county shall have authority to arrest for any violation of the regulations and to execute all writs issued by the court in connection with such regulations or with the punishments of the persons violating any of them. The procedure shall be in accordance with that provided for the trial of misdemeanors. All proceedings with respect to the violation of any regulations shall be conducted by or through and in the name of the citizens' committee. (Mont. Co. Code 1965, § 69-6; 1918, ch. 190, § 6; 1979, ch. 728, § 1.)

Sec. 70-7. Same-Borrowing of money.

For the purpose of making the improvements provided for in section 70-4, or for making improvements from time to time other than maintenance and repairs, the citizens' committee is hereby authorized and empowered to borrow money at the legal rate of interest and otherwise contract indebtedness and obligate the Oakmont Subdivision in an initial amount not exceeding four thousand dollars (\$4,000.00), and in subsequent amount not exceeding in total in any calendar year the sum of eight-tenths (0.8) percent of the assessed valuation of the real property other than operating real property of a public utility and two (2) percent of the assessed valuation of operating real property of a public utility within the Oakmont Subdivision. For these and other purposes set forth in this chapter, the Oakmont Subdivision is constituted a corporation, and the citizens' committee is empowered to act for the corporation. If there is default on bonds or other indebtedness incurred by the citizens' committee of the Oakmont Subdivision for the subdivision, 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 the Oakmont Subdivision to the extent only that such defaulted bonds or incurred indebtedness shall be liquidated. (Mont. Co. Code 1965, § 69-7; 1918, ch. 190, § 7; 1979, ch. 728, § 1; 2003, ch. 247.)

Sec. 70-8. Treasurer's duties, etc.

The treasurer of the said Oakmont Subdivision and citizens' committee shall deposit all funds coming into his hands as such, in accordance with the requirements of law, for the deposit of county funds by the county treasurer, or in such other bank approved by the citizens' committee of said Oakmont Subdivision; provided, that the treasurer of said Oakmont Subdivision 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 or some member of the said citizens' committee acting as chairman pro tem in his absence; such acting chairman shall be duly authorized to act by resolution of said committee, which must first be placed upon the minutes of the committee to be provided therefor. (Mont. Co. Code 1965, § 69-8; 1918, ch. 190, § 8.)

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Part VI. Regulations, Oakmont

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Minimum Maryland State Commission Specifications.

Be it resolved, that no public road, lane, street, alley or other highway within said special taxing area of Oakmont, including those dedicated to public use, on which said funds may be expended, shall hereafter be constructed, improved or maintained by any person, association or corporation unless such construction, improvement or maintenance comply with minimum specifications of the Maryland State Roads Commission (Item 305-3 of said Commission's regulations effective this date) and plans and profiles for same have been approved by the said Oakmont Citizens' Committee upon report of a duly qualified highway engineer.

Be if [it] further resolved, that any person, association or corporation failing to comply with this ordinance or regulation shall be deemed in violation of the penal provisions of Chapter 477, Laws of Maryland, 1939, and subject to the penalties defined therein.

Inclusion of Oakmont Under County Laws, Regulations and Ordinances.

Subject to the approval of the Montgomery County Council, the incorporated Special Taxing Area of Oakmont is subject to and included within the jurisdiction of all laws, regulations and ordinances enacted by the Montgomery County Council, provided that, the Oakmont Citizens' Committee reserves the prerogative in the future to exercise its legal authority, subject to the approval of the Montgomery County Council, to adopt such regulations as provided for in Section 69-6(a) of the Montgomery County Code 1965.

No-Parking Regulation.

[There shall be] no parking any time on the south side of Oak Place from Old Georgetown Road to a point approximately 1350 feet westward.

The Director of the Department of Public Works is hereby directed to install the necessary traffic signs and bill the cost thereof to the Citizens' Committee of Oakmont.

Residential Parking Regulations.

Pursuant to Section 70-6(a) of the Montgomery County Code 1972, as amended, and approved by the County Council, the following regulations will establish residential permit parking on the streets within the Special Taxing District of Oakmont, Montgomery County, Maryland.

The Oakmont Citizens Committee finds that the health, safety, and welfare of residents of the Oakmont Special Taxing District are adversely affected by the use of streets within said Special Taxing District by nonresidential parkers. This parking results in hazardous traffic conditions, the overburdening of narrow streets, air and noise pollution and the inability of residents to obtain adequate on-street parking close by their residences and to secure access to their residences. In order to reduce to the extent possible the aforementioned conditions, the Oakmont Citizens Committee establishes the following regulations:

Parking on the streets within the Special Taxing District of Oakmont will be by residential permit only, between the hours of 9:00 A.M. and 5:00 P.M. Monday through Friday, excluding holidays. The Oakmont Citizens Committee will be responsible for the installation and maintenance of the appropriate signs, and the issuance of the parking permits as outlined below.

Permit Distribution:

Permits will be issued by the Oakmont Citizens Committee to residents of the Special Taxing District.

The permit may be color coded to identify area and number coded to provide for identification and filing purposes. The size shall be about 2" x 3".

Permit shall be affixed to the inside lower left hand corner of the rear window. For vehicles with no rear window, the permit shall be affixed so as to be seen clearly from the rear.

Permit application will require proof of residency within the Township and proof of vehicle ownership (e.g. vehicle registration card).

One permit may be issued for each registered motor vehicle within the designated area. The vehicle registration number (license tag number) will appear on the permit.

Permits for employees of residents working at a residence within the designated area may be obtained by the resident.

Visitor Permit:

One transferable visitor permit shall be issued per dwelling unit. This permit shall be placed in visiting vehicles in a manner that is visible through the rear window.

Additional limited term visitor permits may be available through the Citizens Committee at the discretion of the Citizens Committee.

Misuse of a visitor's permit may result in the revocation of the parking permit.

Not Affected:

Nonresident's commercial and/or service vehicles will be exempt from permit restrictions when conducting necessary activity within the Special Taxing District.

Public utility vehicles shall be exempt from permit restrictions when performing necessary work within the Special Taxing District.

Severability: The provisions of this regulation are severable and if any provision, clause, sentence, section, word or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words, or parts of this regulation or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this regulation would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, section word or part had not been included herein and if the person or

circumstances to which the regulation or part thereof is inapplicable had been specifically exempted herefrom.

Enforcement of these regulations shall be in accordance with Section 70-6(a). This regulation shall take effect 30 days after approval by the appropriate Montgomery County authority. The Oakmont Citizens Committee may rescind this regulation if and when it determines that the health, safety, and welfare of the residents of the Oakmont Special Taxing District would no longer be adversely affected by the use of streets within the Special Taxing District by nonresidential parkers.

Creation of Points of Ingress and Egress.

It shall be unlawful to create new and/or additional points of ingress or egress to or within the Special Tax District without written permission being first obtained from the Oakmont Special Tax District Citizens' Committee.

Ingress and egress to Oakmont Tax District shall not be permitted by way of any abutting non-Oakmont Special Tax District property except as follows:

- . Ingress and/or egress to the rear portion of any Oakmont Special Tax District property must, and can only be, from a County street or road, and may be granted for private residential use only.
- . Such rear accesses may not connect with front accesses in any manner. Residents requesting permission to establish rear access must first erect some form of barrier, acceptable to the Citizens' Committee, to insure that no potential exists for cut-through. Such physical barrier must be maintained so long as the rear access permit is in effect.
- . Any use of front and rear accesses in conjunction with each other resulting in potential for cut-through, or through movement by a motor vehicle from the front to rear accesses, shall result in immediate revocation of the rear access permit. Such revocation shall remain in effect until physical barriers, as required in b above, are reestablished to the satisfaction of the Citizens' Committee.
- . Residences now having both front and rear access potential will come under the provisions of this ordinance upon sale or transfer to new ownership.

Violation of this ordinance is punishable by a fine of not more than \$25.00. Each day the violation continues constitutes a separate offense.

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