



Town of Upper Marlboro

BOARD OF TOWN COMMISSIONERS WORK SESSION

14211 School Lane, Upper Marlboro, Maryland, 20772

Tuesday, July 11, 2023 at 7:00 PM

AGENDA

This meeting will be conducted via Blended (In-Person at Town Hall & Zoom Video Teleconference)

<https://uppermarlboromd->

[gov.zoom.us/j/83782825440?pwd=TDJ0a3MzRTFQTHZuQ0RROGY4RzRMdz09](https://uppermarlboromd-gov.zoom.us/j/83782825440?pwd=TDJ0a3MzRTFQTHZuQ0RROGY4RzRMdz09)

Webinar ID: 837 8282 5440; **Passcode:** 070084; **Audio Dial-in only:** 301 715 8592

Work Sessions are open to public observation, however, public participation is at the discretion of the Board

WORK SESSION AGENDA: 7:00 PM

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Review of Agenda**
- 5. Old Business**
 - [A.](#) Vision Plan (Board Discussion)
 - [B.](#) Codification (Board Discussion)
 - [C.](#) Town of Upper Marlboro Logo (Board Vote)
 - [D.](#) Charter Review Board (Board Vote)
 - [E.](#) Arts Council Bylaws (Board Vote)
 - [F.](#) Historical Committee Bylaws (Board Vote)
- 6. New Business**
 - [A.](#) Mitigating Impacts of Residential Disturbances (Board Discussion)
 - [B.](#) Property Standards (Board Discussion)
 - [C.](#) FY' 23 End of Year Budget Amendment (Board Discussion)
 - [D.](#) Land Purchase (Board Discussion)
- 7. Administrative Update**
- 8. Preliminary Approval of Next Meeting Agenda**
- 9. Adjournment**

Video of the Work Session will be posted to the Town YouTube Channel within 1 business days of the meeting.

All meetings are subject to closure in accordance with the State Open Meetings Act—House Bill 217



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Town of Upper Marlboro Vision Plan

Introduction

The Town of Upper Marlboro has a rich history dating back to the earliest colonial times and retains a close-knit, small-town culture. As the county seat of Prince George’s County, it is the region’s historical center of commerce and entertainment.

This Vision Plan will articulate the core values of the Town and define how those values inform and drive the development of the Downtown, the culture, the places, and the businesses.

Vision

Downtown Upper Marlboro will be an authentic, vibrant, thriving historic town that leverages its history while boldly embracing an inclusive future.

Values

- Thriving & vibrant Downtown
- Safety
- Outdoor recreation
- Natural beauty
- Family-friendly places
- Community connections

The Plan

This Vision Plan outlines specific priorities to create a vibrant, connected, and safe place.

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Vibrant Downtown



VISION

Main Street is vibrant and bustling during the workday with excellent dining options, engaging gathering spots and inviting areas to walk and relax during evenings and weekends. Transit and parking are convenient and welcoming. Downtown is connected to the Schoolhouse Pond and surrounding trails by appealing walkways.

Experiencing Downtown

The image a community projects should not only be authentic to its core values but also present an affirmative, aspirational vision anticipating its future. Downtown Upper Marlboro is a symbol of the community’s economic health, the partnership between the private and the public sectors, local quality of life, civic pride, history, and the heart of a community.

Streetscape

The appearance of buildings, storefronts, and streets plays an important role in shaping the character and identity of downtown. A cohesive streetscape with proper lighting, appealing landscaping, trees and well-designed and maintained facades creates a sense of unity and continuity and conveys an image of prosperity and relevance. Inviting, well-attended streetscapes lead to increased foot traffic, more business, and higher property values—creating a thriving and prosperous commercial district that benefits the entire community.

Tasteful landscaping incorporates seasonal colors and verdant contrasts to the brick and mortar buildings, shade trees all along Main Street, wide walkways, inviting spaces to sit and rest all combine to create an peaceful, welcoming ambiance that encourages walking and strolling. Visuals obstructions like power poles and discordant signage are eliminated to preserve sight lines and to maintain the aura of historicity.

Attractive lighting illuminates the downtown area, brightening the ambiance and enhancing the perception of safety.

Façades / Development

The historic buildings along Main Street - some dating back to the early 1700s are an irreplicable treasure. To stay authentic to the Town’s history and leverage the charm of the existing building stock, the street’s aspirational aesthetic is colonial-era historic.

New buildings are designed to integrate into the historic look of surrounding buildings. Building codes reflect design standards that preserve and enhance the historic district. New development in downtown will be two or three stories with restaurant and retail on the bottom floor and offices and housing on the upper floors.

Renovations of existing building stock will conform to the design standards.

In some cases, buildings along Main Street were originally designed as offices. Retail storefronts and restaurants create energy and generate foot traffic that is synergistic to adjacent businesses. Over time and utilizing incentives, office buildings are converted to retail and restaurants and the upstairs converted to housing. Utilizing upper floors for housing creates evening foot traffic downtown and enhances the sense of security.

Building owners make civic-minded investments to improve their façades and refurbish their buildings - contributing to a thriving commercial district.



Experiencing Downtown

Wayfinding

Effective, appealing and prevalent signage (wayfinding) enhances the experience of residents and visitors. Clear signage and directions to key attractions, businesses, shopping areas, and cultural sites help visitors and tourists navigate easily, increasing their satisfaction and encouraging them to explore and spend - supporting local businesses and promoting economic growth.

Strategically placed throughout downtown, visible and visually appealing signs guide visitors in their discovery of Upper Marlboro, while reflecting the town's new branding. These signs are not only visually consistent but also deliver informative and overtly welcoming messages. The additional signages and monuments at the entrances of the downtown area enhance the overall experience for both residents and visitors. These new landmarks will proudly represent the town's grandeur and identity, serving as distinctive symbols that warmly welcome people into the heart of the community. The clear delineation of entrances not only provides practical guidance but also evokes a sense of excitement and anticipation, setting the stage for an immersive and memorable exploration of the vibrant downtown area.

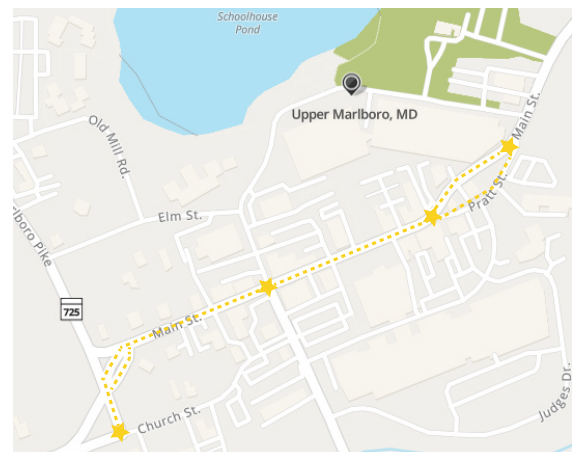
Informative signs direct visitors to abundant, easily accessible parking, from the parking to convenient access to Main Street, and highlights the access to the trail network. Signage highlights local businesses and serves as a business directory. QR codes link to an app that includes information about local businesses and events and curates walking tours.

Local businesses consistently project a friendly and welcoming image, fostering a positive and inviting environment. All private signage throughout the area is crafted with respect, helpfulness, and an inviting tone, further contributing to the overall welcoming atmosphere of Upper Marlboro.

Transportation

Forward-looking transportation connections ensure easy and sustainable access to the Town. From well-integrated bus routes and direct shuttle/trolley links to Metro train stations to designated bike lanes and pedestrian-friendly pathways, these transportation improvements are designed to create a seamless and convenient experience for visitors, allowing them to explore and enjoy the vibrant offerings of Upper Marlboro with minimal hassle.

By prioritizing sustainable transportation options, the town is not only making it more accessible for visitors but also contributing to the preservation of the environment and the overall livability of the community.



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Experiencing Downtown

Parking

Abundant and convenient parking encourages people to visit, shop, dine, and browse in the downtown district, boosting local businesses and the overall economic vitality. It creates the perception of easy access and is inviting and contributes to the overall livability and attractiveness of the downtown. The 2010 Parking Study found that there is “sufficient parking in Upper Marlboro.”

While convenient auto access is important, having parking lots for each business can lead to increased walking distances between buildings and detract from the appeal of a walkable downtown environment. Off-street parking, on the other hand, provides unimpeded access to shops and restaurants, allowing for a greater density of attractions within a short walking distance. This contiguous density enhances the overall experience, providing visitors with more to see and do.

To facilitate parking, off-street public parking lots are strategically located at both ends of Main Street. These lots are clearly identified with well-placed signage that directs visitors to the parking areas. The public lots offer low-cost or free parking options and feature convenient and well-marked access points to Main Street. Signboards are strategically placed to welcome visitors and guide them on their journey through downtown.

Private parking is reserved for off-street lots and is clearly indicated to visitors, providing clear directions to alternative parking areas. Excess parking, particularly along Main Street, is repurposed for infill development, ensuring optimal use of the available space and contributing to the ongoing revitalization of the area.



Thriving Businesses

Upper Marlboro’s locally-owned businesses are the foundation of the downtown district’s prosperity and community’s sense of place and connection. The businesses along Main Street play a vital role in creating a vibrant and thriving downtown. From unique shops to restaurants and service providers, the businesses in Upper Marlboro offer a diverse range of offerings that are authentic, unique and appealing and draw people from throughout the area.

Town Support

Upper Marlboro is renowned for its unique, eclectic, authentic shopping and eating scene. Visitors come from a wide area to engage in a unique experience that is completely different from the polished sameness of suburbia.

The Town supports the local business community through policies and programs that support local businesses and help them thrive. Through organic growth and annexation, the Town grows large enough to qualify for a Main Street designation and fully supports the program through grant applications and administrative support. The Town also pursues other grant opportunities to support its businesses.

Especially during the early stages of the renaissance, the Town plays an active role in identifying potential new businesses that would be good fits for its downtown and recruits them. The Town has compelling recruitment materials and an established incentive program to facilitate the recruitment efforts.

Business Network

Businesses in Upper Marlboro band together to provide opportunities to connect with other businesses, potential customers, and resources through a formal networking organization. The networking connections help business owners to build relationships and gain access to new markets, as well as providing opportunities for collaboration through joint marketing efforts, shared resources, and strategic partnerships to support their growth and innovation.

The business network provides small businesses with a collective voice on issues that affect them—enabling them to advocate for policies and regulations that support their interests and address challenges that they may face. The combined market power and shared knowledge of the business owners gives them leverage when working with owners of buildings and

ensures that property owners are fulfilling their obligations as landlords and are investing in their properties.

The support of the Town business network boosts the vitality of all the businesses and the thriving ecosystem allows shops and restaurants to stay open into the evening hours and expand their service offerings.



Connected Community



Residents of Upper Marlboro know their neighbors. They meet at community gatherings, sports events, in public spaces, parks, along trails, and on Main Street. The Town is a place where you can live and work or come home to relax from a job in the city.

Shared spaces and opportunities to gather facilitate connection. Accessible trails, public spaces, community events, and recreational opportunities for a wide range of interests and age groups provide the ability to connect.

Public Connections

Trails

Community trails are consistently identified as the most popular and highly used public amenities. Aside from the fitness benefits, walking engenders a connection with a place and promotes a sense of community.

Town residents value the trails that connect neighborhoods to downtown, Schoolhouse Pond, and the State Trail Network. The well-maintained and accessible trails are identified by trail markers and wayfinding signs throughout the Town. The trails provide such a pleasant experience and are so well connected to downtown, pond and amenities that they become an attraction, bringing visitors from surrounding areas and driving visitation and spending at local businesses.

The Water Street trail develops into a cafe district with restaurants and patio dining along the Patuxent River.

Public Parks

Public parks of various sizes serve as gathering places for planned activities and spontaneous connection. Public parks are a significant contributor to quality of life perception - particularly for families with children, pet owners and the physically active.

Upper Marlboro's has a network of neighborhood parks that are well-maintained, well-appointed, and have amenities and features that are relevant to residents. As new areas are annexed into the Town, they are evaluated for the prevalence and quality of their parks and remediation plans ensure they are quickly brought up to the Town's standards. These parks are thoughtfully designed with features that cater to the needs of residents, providing additional spaces for both residents and visitors to sit back, unwind, and relax.

Acknowledging the impact of parks on quality of life perceptions, the Town makes strategic investments to ensure the parks are prioritized and constantly being upgraded. The parks reflect the community's commitment to nature and provide convenient connections to the trail networks.



Public Connections

Public Art

Public art contributes to the cultural enrichment of a community by adding aesthetic value and diversity to public spaces. It can reflect the history, heritage, and values of a community, fostering a sense of identity and pride among its residents. Public art has the power to transform mundane or neglected areas into vibrant and attractive spaces. Especially in the age of selfies, having unique and notable public art can draw visitors and generate buzz.

Building on the success of the painted horses and murals, public art that is consistent with the Town’s brand and identity is integrated throughout the town and becomes a key driver of the Town’s ‘je ne sais pas’ appeal. The Town has many ‘Instagram-worthy’ vignettes and pieces that become a driver of visits.

Local and regional artists are commissioned to do work based on themes that resonate with the community, and are consistent with the Town’s brand and are done in partnerships with local businesses and artists. Vacant ground-floor spaces are provided free of charge to local artists as studios and visitors can watch art being created while strolling the Town.

Public Art

Art galleries provide a dedicated space where the local and regional artists can showcase their creative works, offering them an invaluable platform for exhibition. By seamlessly integrating these galleries into the town's overall brand and identity, they will contribute to the town's distinct and captivating charm. Collaborating with the local artists, the galleries will curate exhibitions that truly reflects the community’s values and interests, allowing visitors to witness art in progress while exploring the town, thereby enriching their interactive and immersive experience.

Vacant shopfront space is offered to local artist as studio space at no cost so visitors to downtown can witness art in the making - enhancing the downtown experience while also creating more interest in the art.



Facilitating Connection

Facilitating opportunities for community members to connect is essential for creating a strong and cohesive community. When community members connect with each other, they develop relationships and a sense of belonging, which can help to promote social cohesion and a shared sense of purpose. Connecting with others in the community can promote social and cultural understanding, as individuals learn about different perspectives, experiences, and backgrounds. This can help to break down barriers and promote a more inclusive and welcoming community.

Downtown Events

Upper Marlboro is a destination location for community events that appeal to a wide range of interests and age groups. The Town's Events Committee, established in 2019 to build community and relationships, hosts events throughout the year. Building on the success of events such as Marlboro Day, Trunk or Treat, Outdoor Movie Nights, the Classic Car Show, the Happy Leaf Art Festival, additional high quality events are created.

Main Street is the centerpiece of the events and the downtown is filled with residents and visitors who shop at the stores, browse the galleries, and eat at the restaurants and cafés. Ice cream shops, coffee shops, and food trucks in the downtown area serve an exciting variety of flavors and cuisines, satisfying the cravings of locals and visitors alike. Events are well-promoted and high quality but don't detract from the Town's culture of being family friendly, relaxed, and welcoming.

Libraries

Library upgrades transform it into a vibrant community gathering place, catering to the diverse needs and interests of residents. The library features comfortable seating areas, collaborative workspaces, and dedicated zones for children, teens, and adults. Through these upgrades, the library has evolved into a dynamic hub where individuals can gather, connect, and foster a sense of belonging, promoting the exchange of ideas and fostering lifelong learning.

Showplace Arena

There is strong collaboration and coordination between the Town and County for events at the Showplace Arena. Signage, inviting walkways, shuttle busses and marketing materials encourage participants in Showplace events to explore Main Street. Signage and marketing materials create awareness of and interest in Main Street.

For larger arena events there are concurrent events on Main Street that are synergistic events that bring event participants downtown.



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Safe Place



Upper Marlboro is a community where children walk to their bus stops and are safe. Kids walk and bike to meet up with their friends after school and on the weekends. Adults walk to commercial centers and parks for exercise or convenience. Town residents know police officers by name, consider them community partners and go to them with their concerns. When an emergency happens, residents know they will have a compassionate, safe, and timely response from their neighbors, police, fire, and EMS services.

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Protecting People

Roadway design has a strong impact on how people drive and has greater influence on driver behavior than the posted speed limit. Driver and pedestrian safety - feeling safe on the roads, is a significant quality of life determinant. The Town coordinates with the County and State Highway Administration to provide vehicular and non-vehicular routes.

Bike & Pedestrian Safety

Upper Marlboro coordinates with the County and SHA to design safer streets — such as narrowing traffic lanes and turn radii, curb extensions, high-visibility crosswalks, and creating connected and accessible sidewalks and bike networks.

Bus Stop Visibility

The placement of school bus stops dictates not only the routes that students will have to travel between home and the stop, but also the conditions in which the student will be waiting, and both impact student safety. The Town and Prince George’s County Public Schools District work together to ensure that the sites of bus stops are located according to best practices for student safety.



Strengthening Infrastructure

Strengthening infrastructure against flooding and sinkholes is crucial for ensuring the safety of people in a community. Floods and sinkholes can cause extensive damage to homes, businesses, and public infrastructure, and can even threaten the lives of those in affected areas. By strengthening infrastructure, such as improving drainage systems and reinforcing bridges and roadways, communities can reduce the risk of flooding and sinkholes and ensure that critical infrastructure remains intact during extreme weather events.

Flooding Mitigation

Flooding occurs regularly in Upper Marlboro, impacting mobility around Town as well as flooding residences, businesses, and government offices. If there is a large storm event upriver from Upper Marlboro it is possible for two to three of the four main entrances and exits to Town to flood and become impassable for a time. There are areas of Town where residents can be stuck in their neighborhoods because the roads are impassable. Further, homes frequently flood throughout town in large storm events. As climate conditions worsen the need for adequate stormwater management systems will only increase.

Public Works Crews monitor sites when there is potential flooding to close the sites when flooded to keep the drivers safe. Long-term solutions are studied and funding acquired. Over time, structural solutions dramatically reduce the incidence of and impact of flooding.

Sinkhole Prevention

A sinkhole is an area of ground that has no natural external surface drainage—when it rains, the water stays inside the sinkhole and typically drains into the subsurface. Sinkholes can vary drastically in size, and while they typically form slowly, the collapse tends to happen suddenly. Sinkholes can result from both natural and human causes, and the first step to preventing future sinkholes is to understand what is causing the sinkholes in Upper Marlboro.

The Department of Public Works coordinates with the Washington Suburban Sanitary Commission (WSSC), USGS, and Prince Georges County Soil Conservation District to study sinkholes in the Town and determine their cause. They jointly pursue funding to address and remediate current problem areas and prevent future occurrences.





Town of Upper Marlboro

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Mailing address: P.O. Box 280 • Upper Marlboro, MD 20773-0280

MEMORANDUM

To: Board of Town Commissioners
From: John Hoatson, Town Clerk
Date: Tuesday, July 3, 2023
Re: Codification

Commissioners,

Just a reminder: the FULL Codification Proofs can be found as a News Item on the Town of Upper Marlboro Website. www.uppermarlboromd.gov

You have been provided with a printed copy of the proof prior to this memo.



Powering and Empowering Local Governments

Roger D. Merriam
rdm@municode.com 1-800-262-2633, ext. 7087 (1-850-692-7087)

April 27, 2023

Mr. John Hoatson
 Town Clerk, Town of Upper Marlboro, Maryland
jhoatson@uppermarlboromd.gov

Re: Upper Marlboro Codification—Proofs

Dear John:

Enclosed are the final proofs that reflect the contents of the new Code as agreed upon. The proofs embrace legislation through Ord. No. 2022-09, , adopted December 20, 2022. Pursuant to the contract, legislation adopted after this date will be held for inclusion in Supplement No. 1, or can be added to the proofs when returned for an additional charge.

The proofs are in a file named “Upper Marlboro Word Proofs 04-27-2023.pdf,” which was prepared using Microsoft Word and then saved as a PDF. Agreed upon substantive changes have been impressed into the proofs and appear as footnotes, in a manner similar to the conference draft, with changes shown in underline and strikethrough. Also included is a sample chapter named “Sample Chapter.pdf” prepared using our professional publishing software; this file is formatted to show the final style of the Code and does not show the underline/strikethrough. To help guide you in your proof review, we have provided a Table of Contents.

This set of final proofs has been thoroughly proofread and you should find them in very good condition. Any changes that you wish to make should be marked directly on the proofs. Please use a pen or pencil of a color other than black for marking on a printed copy of the proofs or use the "comments" feature available in the Adobe Acrobat application for marking the electronic PDF file attached to this email. Please ensure that any notations clearly indicate to our staff what is to be done; if several people have reviewed proofs, the marking sent to me should reflect the final consensus. Please only send me one copy of the marked up proofs. If you wish to delete or add sections, please indicate the addition or deletion on the appropriate page and do not renumber any of the existing sections, as this could render section references inaccurate. You should retain a photocopy of the proofs with your changes marked upon them for your files.

On the Title page (page iii of the proofs document): Please provide the names of current officials for the title page.

Our best estimate is that the new Code will be 404 pages in the format selected by the town (8 ½ x 11 single column, 12 point type, Times New Roman font). Pursuant to our contract with the town, pages in excess of 375 pages will be charged to the town at the rate of \$26.00 per page.

We know you are eager to complete this part of the process and have your new Code in hand. We have planned our production schedule according to the contract which contemplates the return of proofs within 45 days (June 12, 2023). Therefore, it is very important that you let us know of any expected delay. Upon return of the proofs, any changes you have made will be implemented and the Code will receive a quality control review. We will then begin our final stages of production, including preparation of tables and index, to be followed by shipment of your new Codes. If we have not heard from you by June 12 2023, I will move this project on to the next stage so your Code can be finalized and shipped.

MAILING ADDRESS: P.O. Box 2235 Tallahassee, FL 32316
 PHYSICAL ADDRESS: 1700 Capital Circle, SW Tallahassee, FL 32310
 LOCAL TELEPHONE NUMBER: 850-576-3171

Ms. John Hoatson
April 27, 2023
Page 2 of 2

As we near completion of this important project, I thank you for your continued assistance and cooperation.

Sincerely,





Town of Upper Marlboro

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Mailing address: P.O. Box 280 • Upper Marlboro, MD 20773-0280

MEMORANDUM

The following commissioner have submitted the following names have been submitted for the Charter Review Board:

- Sarah Franklin – Alma Prevatte
- Charles Colbert –
- Thomas Hanchett – Derek Brooks
- Karen Lot – Patti Callicott
- Linda Pennoyer – George Leonnig

By-laws of the Town of Upper Marlboro Arts Council

ARTICLE I— NAME, LOCATION

This Council shall be known as the Town of Upper Marlboro Arts Council (Arts Council). The Arts Council is a committee formed by the Town of Upper Marlboro's Board of Commissioners pursuant to Town Charter Section 82-17 and Ordinance 2012-02. These by-laws, and any amendments thereto, become effective when approved by the Town Board.

ARTICLE II— MISSION

The Upper Marlboro Arts Council is dedicated to increasing appreciation of the arts, cultivating creative exploration, and supporting diverse cultural artistic expression and accessibility of the arts for the enrichment of community life. The Arts Council works to advocate for culture and the arts and to educate and inform the public. The Council's goals are to foster meaningful engagement, promote and invest in art, and to collaborate and liaison between artists, art and cultural organizations, businesses, government, and educational interests in community spaces.

ARTICLE III— MEMBERS

Section 1: In December of each even-numbered year the Board of Commissioners appoints three or five members for two-year terms, effective January 1 of that year. The Arts Council will choose a minimum of five voting members from their membership, these members shall be known as the Voting Board. Any additional roles and responsibilities will be chosen by a majority vote of Arts Council members.

Section 2: Resignation and Vacancy: A member may resign their position while not necessarily resigning membership by submitting a letter to the Voting Board which shall be read into the official minutes. Vacancies occurring in any office shall be filled for the remainder of the term by electing a substitute at the regular meeting following the resignation.

ARTICLE IV— ASSOCIATE MEMBERS

Associate Members are individuals who express an interest in and who participate and contribute to the mission of the Arts Council.

ARTICLE V— MEETINGS

Section 1: Meetings will be held at the Town Hall or virtually unless the Voting Board announces in advance another location.

Section 2: Monthly Meetings: General, monthly meetings will be held the first (1st) Monday of each month. Special meetings may be called by order of the Chairperson. Members shall be notified in advance.

Section 3: A proposed monthly or special meeting agenda will be provided to the Council, in advance.

Section 5: Quorum: A quorum for the meetings shall be three Arts Council members. Arts Council members absent for personal or family crisis may elect to vote by proxy ballot. The Voting Board shall be the final rule on the presence of a quorum.

Section 6: All meetings shall be open to the public, with notice to the public given in advance.

ARTICLE VI— ASSIGNED DUTIES

Voting Board — The voting board shall have executive supervision over the activities within the scope provided by these bylaws. Once members of the Voting Board shall preside at all meetings, submit a quarterly report of the activities to the Board of Town Commissioners, and submit a budget request each March. Council expenditures will be processed through the Board of Commissioners, the Chairperson, or the Town liaison to the Council as required by the Procurement Ordinance of the Town of Upper Marlboro. The fiscal year shall be July 1 through June 30.

ARTICLE VIII - PARLIAMENTARY PROCEDURE

Except as otherwise specified in these by-laws, all meetings shall be conducted according to Robert’s Rules of Order, relaxed. The order of business at any regular meeting of the membership shall be:

- Attendance will be taken
- Reading or disposal of the minutes of the previous meeting
- Reports by officers and committees
- Unfinished business
- New business
- Adjournment

ARTICLE IX: AMENDMENTS

These by-laws may be amended or revised by proposal of the Council members and approved by a majority vote at a regular meeting. The amendment shall then be adopted, modified or rejected at the succeeding regular meeting of the membership. By-law revisions must be approved by the Town Board of Commissioners before becoming effective.

ARTICLE X - DISSOLUTION

In the event of the dissolution of the Council, the Council’s collections, assets, properties, and records shall be turned over to the Board of Town Commissioners.

ARTICLE XI - EFFECTIVE DATE

APPROVED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at the July Board Work Session, on this 11th day of July, 2023, by:

These by-laws shall become effective on _____.

Attest:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

Sarah Franklin, President

Charles Colbert, Commissioner

Thomas Hanchett, Commissioner

Karen Lott, Commissioner

Linda Pennoyer, Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted these By-laws, and that said By-laws is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this 11th day of July, 2023.

John Hoatson, Town Clerk

By-laws of the Town of Upper Marlboro Historical Committee

ARTICLE I— NAME, LOCATION

This Committee shall be known as the Town of Upper Marlboro Historical Committee (TUMHC). The TUMHC is a committee formed by the Town of Upper Marlboro's Board of Commissioners pursuant to Town Charter Section 82-17 and Ordinance 2023-05. These by-laws, and any amendments thereto, become effective when approved by the Town Board.

ARTICLE II— MISSION

The purpose of the Town of Upper Marlboro Historical Committee is to bring together those people interested in the history of the town and its people. The major function is to discover, collect, advance, help preserve and disseminate knowledge of the Town of Upper Marlboro.

The activities of this committee include researching, compiling and promoting the history of the town and town government, locating and making recommendations for marking historical sites and structures, informing the community of historical activities, the preservation of the historical heritage of the Town of Upper Marlboro, the involvement of the community in historical preservation, and the interaction with other related agencies, groups and civic organizations involved in preserving historical heritage.

ARTICLE III— TUMHC MEMBERS

Section 1: In January of each even-numbered year the Board of Commissioners appoints three (3) TUMHC Board members, of which one (1) must be a town resident, for two-year terms, effective January 1 of that year. The Board also appoints the Chairperson and Vice-Chairperson. Additional roles and responsibilities will be assigned by a majority vote of the committee.

Section 2: Resignation and Vacancy: An officer may resign the office while not necessarily resigning membership of the TUMHC by submitting a letter to the TUMHC which shall be read into the official minutes. Vacancies occurring in any office other than Chairperson shall be filled for the remainder of the term by electing a substitute at the regular meeting following the resignation.

ARTICLE IV— ASSOCIATE MEMBERS

Associate Members are individuals who express an interest in and who participate and contribute to the mission of the TUMHC.

ARTICLE V— MEETINGS

Section 1: Meetings will be held at the Town Hall unless the Chairperson announces in advance, another location.

Section 2: Quarterly Meetings: General, quarterly meetings will be held the third (3rd) Saturday of February, May, August and November. Special meetings may be called by order of the Chairperson. Members shall be notified in advance.

Section 3: The Committee shall meet thirty (30) minutes before the general quarterly meetings to discuss the agenda. A proposed agenda will be provided to the Committee, in advance.

Section 4: Additional Meetings: Additional meetings may be called by order of the Chairperson. Members shall be notified in advance.

Section 5: Quorum: A quorum for the meetings shall be 2 of the TUMHC Board members. TUMHC Board members absent for personal or family crisis may elect to vote by proxy ballot. The TUMHC chairperson shall be the final rule on the presence of a quorum.

Section 6: All meetings shall be open to the public, with notice to the public given in advance.

ARTICLE VI— ASSIGNED DUTIES

Section 1: Chairperson -- The Chairperson shall have executive supervision over the activities of the TUMHC within the scope provided by these bylaws. The Chairperson shall preside at all meetings, submit a quarterly report of the activities of the TUMHC to the Board of Town Commissioners, and submit a budget request each March to the Board of Town Commissioners. Committee expenditures will be processed through the Board of Commissioners or the President, as required by the Procurement Ordinance of the Town of Upper Marlboro. The fiscal year shall be July 1 through June 30.

Section 2: Vice-Chairperson -- The Vice-Chairperson shall perform such duties as the committee or the Chairperson may direct and shall assume the duties of the Chairperson in the event of absence, incapacity, or resignation of the Chairperson.

ARTICLE VII— COLLECTION POLICY

Section 1: The TUMHC shall, at their discretion, collect all documents, photographs, and related items, donations of historical records, documents, and photos relevant to the Town’s history.

Section 2: Due to the lack of space, the focus of the collection shall be on records, documents, photographs, and other types of small items. However, if space allows and the significance of the item warrants inclusion, large items may be accepted upon the approval by the Board of Town Commissioners, if necessary, prior to acceptance.

Section 3: A completed donation/loan form to clarify legal ownership or loan conditions of the item(s) must accompany all donations or loans.

ARTICLE VIII - PARLIAMENTARY PROCEDURE

Except as otherwise specified in these by-laws, all meetings shall be conducted according to Robert’s Rules of Order, relaxed. The order of business at any regular meeting of the membership shall be:

- Attendance will be taken by signing an attendance roster

- Video and/or Reading of the previous official quarterly meetings taken by the record keeper simultaneously shall serve as minutes.

- The video shall be reviewed and approved at each quarterly meeting.

- Reports by officers and committees

- Unfinished business

- New business

- Adjournment

ARTICLE IX: AMENDMENTS

These by-laws may be amended or revised by proposal of the Committee members and approved by a majority vote at a regular meeting. The amendment shall then be adopted, modified or rejected at the succeeding regular meeting of the membership. By-law revisions must be approved by the Town board before becoming effective.

ARTICLE X - DISSOLUTION

In the event of the dissolution of the Committee, the Committee’s collections, assets, properties, and records shall be turned over to the Board of Town Commissioners.

ARTICLE XI - EFFECTIVE DATE

These by-laws shall become effective on _____.

Attest:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

Sarah Franklin, President

Charles Colbert, Commissioner

Thomas Hanchett, Commissioner

Karen Lott, Commissioner

Linda Pennoyer, Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted these By-laws, and that said By-laws is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this 11th day of July, 2023.

John Hoatson, Town Clerk



Town of Upper Marlboro

Town Hall, 14211 School Lane Tel: (301) 627-6905 info@uppermarlboromd.gov
Upper Marlboro, MD 20772 Fax: (301) 627-2080 www.uppermarlboromd.gov
Mailing address: P.O. Box 280 • Upper Marlboro, MD 20773-0280

MEMORANDUM

Mitigating Impacts of Residential Disturbances:

There have been a number of disturbances occurring on Rectory lane related to residents hosting parties. This has included:

- Loud noise that is disruptive during daytime hours as well as later in the evening;
- Cars parked on both sides of the street, limiting access for residents and for emergency vehicles;
- Cars damaging neighbors lawns;
- Cars speeding up and down the street;
- Trash being thrown on neighbors lawns and in the street;

These issues are impacting the residents of Rectory Lane and beyond. The Board of Commissioners will hold a Community Conversation on Rectory Lane July 8, 2023 11:30-12:30 to discuss resident concerns and possible solutions. The Board will also discuss possible solutions at the Board Work Session on July 11, 2023.

**BOARD OF COMMISSIONERS
FOR THE
THE TOWN OF UPPER MARLBORO**

ORDINANCE: 2016-03
SESSION: Regular Town Meeting
INTRODUCED: September 13, 2016
APPROVED: October 11, 2016

AN ORDINANCE OF THE TOWN OF UPPER MARLBORO TO BE ENTITLED “RESIDENTIAL EXTERIOR PROPERTY STANDARDS ORDINANCE” THEREBY REPLACING AND REPEALING ORDINANCE 88-1: LITTER AND WEEDS BY PROVIDING NEW SECTIONS REGARDING THE ORDINANCE’S PURPOSE AND AUTHORITY; APPLICABILITY AND SCOPE; AUTHORIZING THE OFFICE AND DUTIES OF CODE ENFORCEMENT OFFICER; PROVIDING FOR CERTAIN DEFINITIONS; ESTABLISHING AND DESCRIBING CERTAIN PROPERTY CONDITIONS OR CIRCUMSTANCES TO BE VIOLATIONS OF THE ORDINANCE; PROVIDING FOR A SYSTEM OF NOTICES OF VIOLATION OF STANDARDS AND PENALTIES FOR SUCH VIOLATIONS AND REPEAT VIOLATIONS; PROVIDING A PENALTY FOR FAILURE TO REGISTER WITH THE STATE CERTAIN FORECLOSED PROPERTIES; PROVIDING FOR THE ABATEMENT OF CERTAIN VIOLATIONS RELATING TO REAL PROPERTY BY THE TOWN; ESTABLISHING A TIMEFRAME FOR NOTICES OF STANDARDS AND PENALTIES FOR THE VIOLATION THEREOF; DESCRIBING THE TREATMENT OF RENTAL PROPERTIES; PROVIDING A PROCESS TO PURSUE A RIGHT TO APPEAL; PROVIDING A SEVERABILITY PROVISION AND ESTABLISHING CERTAIN FINES, FEES & PROMULGATION OF FINE AND FEE SCHEDULES TO BE MODIFIED BY RESOLUTION; AND GENERALLY RELATING TO RESIDENTIAL PROPERTY MAINTENANCE.

WHEREAS, pursuant to § 82-16(1) (General Powers) of the Town Charter, the Board of Commissioners shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Town Charter as it may deem necessary for the good government of the Town; 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 and visitors thereto and sojourners therein; and

WHEREAS, pursuant § 82-16(2) (hh) (Specific Powers; Liens) the Board of Commissioners shall have the power to provide that any valid taxes, assessments or charges made against any real property within the Town shall be liens upon such property from the date they became payable; and

WHEREAS, pursuant § 82-16(2)(nn) (Specific Powers; Nuisances) of the Town Charter, the Board is further empowered to prevent or abate by appropriate ordinances all nuisances in the Town whether the same be therein specifically named or not; and

WHEREAS, pursuant to LG Art., § 5-205(d)(1) of the Annotated Code of Maryland, a municipality may establish and collect reasonable fees and charges associated with the exercise of a governmental or proprietary function exercised by the municipality; and

WHEREAS, the Board of Commissioners finds it to be in the best interest of the Town to establish, update and readopt certain standards for the exterior maintenance of residential properties situated within the Town of Upper Marlboro and enforce such standards through an appointed official as further described below.

NOW, THEREFORE, the Board of Commissioners of the Town of Upper Marlboro, State of Maryland, does ordain and enact as follows:

RESIDENTIAL EXTERIOR PROPERTY STANDARDS ORDINANCE

- SECTION 1: PURPOSE AND AUTHORITY**
- SECTION 2: APPLICABILITY AND SCOPE OF THE ORDINANCE**
- SECTION 3: CODE ENFORCEMENT OFFICER**
- SECTION 4: RESERVED**
- SECTION 5: DEFINITIONS**
- SECTION 6: VIOLATIONS**
- SECTION 7: NOTICE OF VIOLATION OF STANDARDS AND PENALTY FOR VIOLATION**
- SECTION 8: TOWN ABATEMENT**
- SECTION 9: VACANT AND FORECLOSED PROPERTIES**
- SECTION 10: TIMEFRAME FOR NOTICES OF STANDARDS AND PENALTIES OF VIOLATION**
- SECTION 11: REPEAT VIOLATIONS**
- SECTION 12: RENTAL PROPERTIES**
- SECTION 13: RIGHT TO APPEAL**
- SECTION 14: SEVERABILITY**
- SECTION 15: VIOLATION FINES, FEES & SCHEDULE**

SECTION 1. PURPOSE AND AUTHORITY

- A. The purpose of this Residential Exterior Property Standards Ordinance is to establish standards for the exterior maintenance of residential properties in the Town of Upper Marlboro, and to prevent conditions that threaten public health, safety or welfare of residents of, or visitors to the Town of Upper Marlboro. The Ordinance creates the office of Code Enforcement Officer for the enforcement of this and other ordinances, and also establishes a system of notifications and penalties for violations to enforce the standards and a process to appeal any penalties imposed.
- B. The authority to provide for the general protection of health, safety, comfort, convenience, and welfare of Town residents and visitors is provided in Section 82-16 (General Powers) of the Charter of the Town of Upper Marlboro.
- C. The authority to enact such regulations is provided in Section 82-16(vv) (Specific Powers; Regulations) of the Charter of the Town of Upper Marlboro.
- D. The authority to impose fees and penalties for violating the regulations is provided in Section 82-18 (Enforcement) of the Charter of the Town of Upper Marlboro.
- E. The authority to create new offices and appoint officers is provided in Section 82-59 (Authority to Employ Personnel) of the Charter of the Town of Upper Marlboro.

SECTION 2. APPLICABILITY AND SCOPE OF THE ORDINANCE

- A. The provisions herein shall apply to all residentially-zoned real property located within the corporate limits of the Town of Upper Marlboro, whether improved or unimproved.
- B. The Prince George’s County Housing Code adopting with amendment the International Property Maintenance Code, 2000 Edition as found in Subtitle 13 of the Prince George’s County Code and all divisions thereof as enforced by County officials shall remain in full force and effect within the corporate limits of the Town provided; however, that any conflict between this Residential Exterior Property Standards Ordinance or any other ordinances of the Town, and any provision of Subtitles 4 and 13 of the County Code shall be resolved in favor of the provision which establishes the higher standard for the promotion and protection of the health and safety of the people. Unless a provision of County legislation conflicts with a provision of this Ordinance, nothing herein shall be construed to prevent the jurisdiction, applicability or enforcement of the County’s ordinances regarding property maintenance or nuisances within the corporate limits of the Town.
- C. This Ordinance shall be construed liberally and justly to insure the public health, safety and welfare insofar as it pertains to residential property maintenance standards.

SECTION 3. CODE ENFORCEMENT OFFICER

- A. This Ordinance shall be enforced by a sworn police officer or by an appointed Code Enforcement Officer of the Town. The Office of Code Enforcement Officer is hereby created, ratified and established

by this Ordinance. The appointment of a Code Enforcement Officer shall be approved by ordinance or written resolution. The Code Enforcement Officer shall be responsible to the Commission President.

B. A Code Enforcement Officer or officers appointed by the President, with the approval of the Board, shall have the following powers, authorizations, duties, qualifications and functions:

1. Subject to the requirements of the Board of Commissioners, the Code Enforcement Officer, shall, in addition to such other duties as may be assigned to him or her by the President, enforce such laws and ordinances relating to property, buildings and structures as may be specifically provided.
2. The Code Enforcement Officer shall not have any interest whatever, directly or indirectly in the sale or manufacture of any material, process or device entering into or used in or in connection with property maintenance or building construction within the Town.
3. The Code Enforcement Officer may be authorized by the Board of Commissioners to enforce the Town's ordinances and may deliver a municipal infraction citation, criminal misdemeanor violation summons, charging document or criminal citation to any person alleged to be committing or to have committed a municipal infraction or other violation.
4. The Code Enforcement Officer shall examine premises and shall make necessary inspections to see that the provisions of applicable laws or ordinances are complied with and that maintenance or use therein is implemented pursuant to applicable laws. He or she shall, when requested by the Board or when the interests of the Town so require, make investigations in connection with matters referred to within Town ordinances and render written reports on the same. For the purpose of enforcing compliance with law, to remove illegal, nuisance or unsafe conditions, to secure the necessary safeguards, or to require adequate facilities in improved properties, he or she shall issue notices or orders as may be necessary.
5. Unless posted or informed otherwise (i.e, no trespassing), the code enforcement or police officer shall have the right, upon proper identification, to routinely enter upon private property so far as is necessary for the performance of duties. The code enforcement officer's right of entry upon residential property shall be limited to entry for the purposes of obtaining consent from the owner or occupant to conduct an inspection or as otherwise permitted by law.
6. The President is hereby authorized and empowered to establish additional regulations and duties for any assigned Code Enforcement Officer provided that said officer shall not be vested with police powers of arrest. Code enforcement officers are not authorized to carry firearms, and they shall not carry firearms while on duty. Said officers shall be assigned such duties as are civilian and administrative in nature that the President, from time to time, may direct, that are not inconsistent with the limitations and responsibilities set forth in Town ordinances, or State law and, in addition, the Code Enforcement Officer shall be vested with the authority to issue parking citations, criminal citations and citations for municipal infractions as expressly provided for in each applicable provision or section of the Town's ordinances.

7. The Code Enforcement Officer shall keep careful and comprehensive records of applications, of relevant permits or certificates issued, of inspections made, of reports rendered, and of notices, citations or orders issued.

C. In the absence or disability of the Code Enforcement Officer, the President with approval of the Board shall designate, by ordinance or written resolution, a qualified official or subordinate to discharge the duties of the Code Enforcement Officer. Nothing in this Section shall be construed to prevent the appointment of an existing Town employee and from having the additional or collateral duties of Code Enforcement Officer.

SECTION 4. RESERVED

SECTION 5. DEFINITIONS

In this Ordinance, the following words have the meanings indicated. Where terms are not defined, they shall have their ordinarily accepted meanings such as the context may imply.

A. Abandoned, junked, wrecked, or non-road worthy motor vehicle means any motor vehicle which is unregistered, improperly registered, or which is without current State of Maryland license tags unless (i) the State of Maryland expressly exempts such vehicles from registration requirements; (ii) it bears the license tags of another vehicle; (iii) it is disabled or inoperable; (iv) it is dismantled or partially dismantled; (v) it is substantially damaged or in disrepair; or (vi) it is unable to pass inspection by the Maryland Motor Vehicle Administration.

B. Accessory structure means a building or structure, retaining wall, wall or fence that is incidental to the main building, located on the property.

C. Agent means any person or company designated by the property owner to act for him or them.

D. Debris, litter, or garbage means any quantity or combination of: putrescible animal, food and vegetable wastes resulting from the handling, combustible and noncombustible waste materials; bulk refuse, electronics or electronic recyclables, hazardous material or waste, household refuse, refuse, trash and yard waste, excluding organic compost piles, that is thrown, deposited or stored in or on private property or creates a nuisance or a threat to public health, safety and welfare.

E. Exterior property area means all areas external to improvements on the property or on unimproved property including the Town right-of-way and adjacent street curb and gutter. Exterior property area specifically excludes any trees along the Town right-of-way.

F. Foreclosed Property Registry means the foreclosed property registry established by the Maryland Department of Labor, Licensing, and Regulation under the Maryland Annotated Code, Real Property Article, § 14-126.1.

G. Hazard means a situation, condition or action by a person that creates an environment that is unsafe or threatens public health, safety, or welfare.

H. Property Owner means one who has complete dominion over a particular property and in whom legal or equitable title rests, when applied to a building or land. Property Owner further means any part owner, joint tenant in common, tenant by the entireties, or joint tenant, of the whole or part of such building or land. Property owner may also include the owner or possessor of a leasehold interest in real property.

I. Paved Parking Area means any asphalt, bluestone, bricks, brick pavers, pervious pavers, crushed gravel, poured concrete, other hard rock surface or other masonry-like material completed in a professional manner, rolled to a smooth or level surface and maintained free of loose materials or excessive vegetative growth, situated on the property behind the property line and located and accessed in accordance with the provisions of the Prince George's County Zoning Ordinance.

J. Person means any individual, natural person, legal entity, joint stock company, partnership, voluntary association, society, club, firm, company, corporation, business trust, organization, owner, occupant, or any other group acting as a unit, principal or agent, or the manager, lessor, lessee, agent, servant, partner, member, director, officer or employee of any of them including an executor, administrator, trustee, receiver, or other representative appointed according to law.

K. Registry Law means Maryland Annotated Code, Real Property Article, §14-126.1.

L. Repeat Violator means any person that has been noticed for two violations of this Ordinance in an eighteen (18) month period.

M. Board of Commissioners means the President and Commissioners of the Town of Upper Marlboro.

N. Vacant Property means a residence that is not occupied on a regular and habitual basis by the property owner or any other person for the usual and customary purposes for which the residence is designed and lawfully permitted.

O. Weeds means brush, plants, or any noxious growth that is injurious to public health, agriculture, recreation, wildlife or property. This definition excludes properly tended trees, ornamental plants, flowers, vegetable plants, or undisturbed woodland, not otherwise in violation of this Ordinance.

SECTION 6. VIOLATIONS

The following are considered violations of this Ordinance:

- A. Condition of Exterior Property Areas. All exterior property areas shall be maintained in a reasonably clean and sanitary condition, free from any accumulation of debris, litter, stagnant water, or garbage. If pests are found, the property owner shall initiate the extermination process which shall not be injurious to the health of humans or domestic animals.
- B. Tall Grass and Weeds. All exterior property areas shall be properly maintained and no grass or weeds more than twelve (12) inches tall, other than annual or perennial cultivated flowers, and plants, bushes, shrubs, garden and yard plantings, and trees properly maintained by the property owner or agent shall be allowed to accumulate or grow on any private property. No

vegetation shall be allowed to grow in, or into, the public curb, gutter or paved area of the right of way.

- C. Discarded Vehicles. It shall be unlawful for any person to discard any vehicle on any residential lot within the corporate limits of the Town.
- D. Vehicle Condition and Storage. No property owner or agent shall permit an abandoned, junked, wrecked, unregistered, or non-road worthy vehicle as defined in this Ordinance to remain on such property, except when enclosed in a garage.
- E. Motor Vehicle Parts. Exterior property areas shall not be utilized for the storage of motor vehicle parts.
- F. Exterior Property Storage. Exterior property areas shall not be utilized for the open storage of building materials, bathroom or kitchen fixtures, furniture, or lawn and garden equipment, irrespective of age or condition, except for routine garden maintenance equipment, outdoor lawn furniture, or materials used in construction or renovation projects with the appropriate Prince George's County and Town permits.
- G. Wood Storage. The storage of wood and other materials not proscribed by this Ordinance, including organic compost piles, shall be accomplished in a manner designed to avoid rodents, termites and other insect infestation. Wood shall be stored at least six (6) inches above the ground.
- H. Vegetation. All vegetation located on exterior property areas shall be maintained in such a way so as not to pose a danger or obstruction to adjoining property, pedestrians or vision of any motorist.
- I. Parking Surfaces. A paved parking area must be accessed by a curb cut if the property has a curb installed along the street unless granted an exception by the Board. The curb cut shall be constructed of poured concrete completed in a professional manner, situated totally within the public right-of-way, where applicable; constructed in accordance with the road ordinance or construction codes of Prince George's County and located in accordance with the Prince George's County Zoning Ordinance. Grassy yards or other unpaved areas shall not be used for the parking of boats, motorcycles, motor vehicles of any type, trailers or similar items on a residential property except during a "snow emergency." All wheels of said vehicle(s) must be parked on an approved paved parking area in order to be in compliance with this Ordinance.
- J. Building Security. No property owner or agent shall allow vacant structures or property to become a public nuisance, safety or health hazard, or be in a condition that could encourage trespassing.
- K. Accessory Structures. No accessory structure shall pose a public health, safety hazard, or fall into disrepair. All accessory structures shall comply with Prince George's County and Town Ordinances and any improvements to such accessory structures shall be duly permitted. A Code Enforcement Officer or other Town designated representative may require a property owner, at the property owner's expense, to repair or replace a fence not in compliance with the Prince George's County Zoning Ordinance. Any fence repair or replacement shall comply with provisions regarding location, height, and material in the Prince George's County Zoning Ordinance.

- L. Identification. All premises shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.

SECTION 7. NOTICE OF VIOLATION OF STANDARDS AND PENALTY FOR VIOLATION

A. Except for violations of the Registry Law, whenever the Code Enforcement Officer, a sworn police officer or other designated Town representative determines that there are reasonable grounds to believe that there has been, or is, a violation of any provision of this Ordinance or of any rule or regulation adopted pursuant thereto, the Code Enforcement Officer, sworn police officer or designated representative shall give notice of such alleged violation to the person or persons responsible therefore, as herein after provided unless otherwise noted in this Ordinance. Such notice shall:

1. Be in writing;
2. Include a description of the real property sufficient for identification;
3. Include a statement of the reason why the notice is being issued with reference to the Section of this Ordinance violated;
4. Allow time, as set forth in this Ordinance, for the remedial action required to correct the violation; and
5. Contain:
 - a. An outline of the remedial action which, if taken, will effect compliance with the provisions of this Ordinance and with the rules and regulations adopted pursuant thereto, if any; and
 - b. The requirement that the violation must be fully corrected within the timeframe, as specified in Section 10 of this Ordinance. For each additional prescribed period that the violation is not fully corrected, notice will be issued of the fine amount as due and payable to the Town of Upper Marlboro. Fines for failure to take remedial action shall be established by Resolution of the Board of Commissioners, but shall not exceed the amount of one thousand dollars (\$1,000.00). Failure to pay a fine may result in the amount of any fine or fines imposed to be collected in the same manner as delinquent Town taxes.

B. Service of notice that a person and/or property is in violation shall be as follows:

1. By delivery to the property owner or agent personally or by leaving the notice at the usual place of abode of the property owner or office of the agent with a person of suitable age and discretion who shall be informed of the intent thereof; or

2. By appropriate means of mail addressed to the property owner or agent at the address provided to the Town by the property owner or agent with postage prepaid thereon with return receipt requested, or if said letter is returned with receipt showing non-delivery, then
3. By posting a copy of the notice in a conspicuous place on the premises affected by such notice.

SECTION 8. TOWN ABATEMENT

Provided that notice has been served pursuant to Section 7 of this Ordinance, the Town of Upper Marlboro and its officials, employees and agents shall have the right, after thirty (30) days of continued violation, to enter onto the premises of the property in violation to abate any violation. The costs of such abatement shall be charged to the property owner and after attempting to deliver an invoice payable within thirty (30) days to the property owner may be collected in the same manner as delinquent Town property taxes. If the property is vacant, and upon serving notice the Town shall have the right to abate after fifteen (15) days of continued violation.

SECTION 9. VACANT AND FORECLOSED PROPERTIES

A. In the event that a Code Enforcement Officer, sworn police officer or other Town designated representative determines that the condition of a vacant property constitutes a violation, a responsible person or occupant shall be notified of the violation of this Ordinance by certified mail and have fifteen (15) calendar days to correct the violation. If, after fifteen (15) days from the date of notification, the violation has not been corrected, the Town of Upper Marlboro and its officials, employees and agents shall have the right to enter upon the premises of the property in violation to abate any and all violations. Failure of the property owner to pay the Town within thirty (30) days for the cost of abatement upon the Town’s reasonable attempt to deliver an invoice may result in collection in the same manner as delinquent Town property taxes.

B. All foreclosed properties within the Town shall register with the State of Maryland Foreclosed Property Registry. Failure to register a property located in the Town under the Registry Law shall be a municipal infraction punishable by a fine of up to one thousand (\$1,000.00) or as otherwise established from time to time by Resolution.

C. The Code Enforcement Officer shall obtain access to the Foreclosed Property Registry and maintain an updated list of all known vacant residential properties, and corresponding contact information, located within the Town.

SECTION 10. TIMEFRAME FOR NOTICES OF STANDARDS AND PENALTIES OF VIOLATION

The definitions below provide categories of timeframes for issuing the initial violation notice, a subsequent violation notice and assessment of penalties and fines.

1. First Offense: a person shall have fifteen (15) days from the time the correction notice has been issued to correct the violation. If, after fifteen (15) days, the violation has not been corrected, another notice to correct which imposes a fine shall be issued. A recurring and cumulative fine

and subsequent notice to correct shall be issued in seven (7) day intervals thereafter until the violation is corrected.

2. Repeat Offender: a person shall have seven (7) days from the time the correction notice was issued to correct the violation. If, after seven (7) days, the violation has not been corrected, another notice to correct which imposes a fine shall be issued. A recurring fine and notice to correct shall be issued in seven (7) day intervals thereafter until the violation is corrected.

SECTION 11. REPEAT VIOLATIONS

A. Unless otherwise noted in this Ordinance, two (2) violations of the same type occurring within an eighteen (18) month period shall be considered a repeat of any previous violation and the property owner or agent shall be deemed a repeat violator. Repeat violations are subject to Town abatement if not corrected within twenty-one (21) days. The costs of such abatement may be charged to the property owner and may be collected in the same manner as delinquent Town taxes. A repeat violation may pertain to a subsequently noticed violation of the same of a different subsection of Section 6 of this Ordinance.

B. Unless otherwise noted in this Ordinance, if a property is issued three (3) or more notices for the same violation occurring within an eighteen (18) month period, the property shall become subject to immediate fines.

SECTION 12. RIGHT TO APPEAL

A. Any person affected by any notice of violation and subjected to a fine may elect to appeal to the Board of Commissioners as follows:

1. Any person affected by any notice of violation which had been issued in connection with the enforcement of any provision of this Ordinance and subject to a fine may request and shall be granted a hearing on the matter by the Board of Commissioners, provided that such person shall within ten (10) days after service of a notice of violation, file with the Board of Town Commissioners a signed written notice of administrative appeal, requesting a hearing and setting forth a brief statement of the reasons therefore. Upon receipt of such notice of appeal, the Board of Commissioners shall set a time and place for such hearing and shall determine such appeals as promptly as practicable. The Board of Commissioners, with a quorum present, shall hear such appeals.
2. After such hearing, the Board of Commissioners may, by a majority of members present, affirm, amend, modify, rescind or withdraw the notice of violation with any assessed fine that has been appealed. Any person who shall fail, refuse or neglect to comply with the decision of the Board of Commissioners shall be deemed guilty of violating the provisions of this Ordinance.
3. In the event a person affected by a notice of violation and subjected to a penalty wishes to contest the decision of the Board of Commissioners, he or she may notify the Town Clerk or designee of his or her intent within ten (10) days after the rendering of the decision by the Board of Commissioners. In such event, the Town shall issue a municipal infraction citation to the affected person who may request a de novo trial in

the District Court of Maryland for Prince George’s County pursuant to Md. Ann. Code, Local Government Article, Title 6. The decision of the Board of Commissioners in such a case shall be stayed, pending adjudication of the matter by the District Court of Maryland for Prince George’s County. To the extent of this Section of the Ordinance, any notice of violation of this Ordinance previously issued and made subject to adjudication shall be considered a municipal infraction of the Town.

- B. Failure to pay any fine and/or cost of abatement included in a judgment awarded pursuant to adjudication may result in the amount of any fine, fee or cost imposed or sanctioned by the court to be collected in the same manner as delinquent Town property taxes.
- C. An appeal of an assessment or collection of any fee or cost to abate any violation as permitted by this Ordinance that was not awarded pursuant to adjudication by the court may be sought pursuant to the procedures provided in Subtitles 4 and 9 of Title 13 of the Tax-General Article of the Md. Ann. Code.

SECTION 13. RENTAL PROPERTIES

All rental properties within the cooperate limits, regardless of zoning, shall be properly licensed and inspected, as required, by Prince Georges County. The Town shall notify the County in a timely manner of any unlicensed rental properties found as they are discovered.

SECTION 14. SEVERABILITY

If any section or part of a section of this Ordinance shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance.

SECTION 15. VIOLATION FINES, FEES AND SCHEDULE

A. Unless otherwise stated herein, violation of any provision of this Ordinance shall be subject to a fine and/or fee, which may be set or changed from time to time by resolution of the Board of Commissioners. Failure to pay any fee, fine, late fee and/or costs to abate, or incurred to repair damage to Town property such as aprons, curbs, gutters, sidewalks, or streets will result in the amount of any fine, late fee or repair costs incurred being recorded as a lien against the property and collected in the same manner as delinquent taxes.

B. A late fee not to exceed \$25 may be assessed for any fine, charge or invoice for abatement that is left unpaid for more than 30 days. A late fee may not be assessed unless included in the judgment if the violation is adjudicated in the District Court.

C. The initial fine and fee schedule established by this Ordinance is as follows:

CATEGORY OF VIOLATION (§ 6, SUBSECTION)	Fine, 1st Offense	Repeat, Multiple Offense
A. Condition of Exterior Property Areas	\$50	\$100
B. Tall Grass and Weeds	\$50	\$100
C. Discarded Vehicle	\$50	\$100
D. Vehicle Condition & Storage	\$50	\$100
E. Motor Vehicle Parts	\$50	\$100
F. Exterior Property Storage	\$50	\$100
G. Wood Storage	\$50	\$100
H. Vegetation	\$50	\$100
I. Parking Surfaces	\$25/ incident	\$25
J. Building Security	\$50	\$100
K. Accessory Structures	\$50	\$100
L. Premises Identification	\$50	\$100

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that said Board may set the fines, penalties, and fees associated with violating this Ordinance from time to time by resolution.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that any prior ordinances adopting and enacting any provision of this Ordinance or any other ordinance or resolution previously adopted pertaining to a subject or subjects embodied by the title of this Ordinance or the provisions found in conflict herein shall be deemed repealed and superseded by the provisions of this Ordinance, and should a previously enacted ordinance cover a provision or subject that is not covered by this Ordinance, it shall remain in full force and effect unless it directly conflicts with the express language of this Ordinance.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance 2016-03 upon taking effect shall replace and repeal Ordinance 88- 1: Litter and Weeds.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall become effective at the expiration of twenty (20) calendar days following approval by the Board of Commissioners.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that Deputy Clerk Kyle Snyder is hereby appointed to

serve as Code Enforcement Officer of the Town with all powers, authority, responsibilities, immunities and privileges thereunto pertaining.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall be posted in the Town Hall office, and it or a fair summary thereof, shall be published once in a newspaper of general circulation in the Town.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this ordinance shall be fully effective throughout the corporate territory of the Town including any subdivision governed by a homeowners or condominium association as defined by Titles 11 and 11B of the RP Article of Md. Ann. Code.

Adopted this 11th day of October, 2016.

THE TOWN OF UPPER MARLBORO,
BOARD OF COMMISSIONERS

Nancy C. Clagett
Nancy C. Clagett, Commissioner

Linda Pennoyer, Commissioner

Attest:

[Signature]
Clerk

James Storey
James Storey, President





Town of Upper Marlboro

Town Hall, 14211 School Lane Tel: (301) 627-6905 info@uppermarlboromd.gov
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Mailing address: P.O. Box 280 • Upper Marlboro, MD 20773-0280

MEMORANDUM

To: Board of Town Commissioners
From: Kyle Snyder, Town Administrator
Date: Monday, July 3rd, 2023
Re: FY 2023 Budget Adjustment

Commissioners,

As you are aware, the Town usually makes an end-of-year budget adjustment to reconcile accounts, moving funds from underspend line items to over-budget line items. It did not appear initially that the Town needed to make an adjustment, but now that we have closed our Fiscal Year 2023 spending it appears that we may have to adjust the budget. Town staff and the accounting firm will be finalizing the line items and developing a simple budget adjustment for the Board to approve prior to the FY23 Audit getting fully underway.

Per the Town Attorney, “The Town can amend a prior FY Budget in a subsequent FY. In other words, the Town is not prevented from amending a budget outside the applicable fiscal year.”

The Board can expect to see an Emergency Budget Amendment Ordinance at the July Town Meeting, which will include a detailed end-of-year line-item budget. Please let me know if you have any questions in the meantime.



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MEMORANDUM

To: Board of Town Commissioners
From: Kyle Snyder, Town Administrator
Date: Monday, July 3rd, 2023
Re: Property Purchase Overview

Commissioners,

As you are aware from updates over the past few months, the Town is working with the State Department of Natural Resources and M-NCPPC to utilize State Program Open Space (POS) Funding to purchase a 27-acre undeveloped forest lot located at 5510 Old Crain Highway Upper Marlboro MD 20772. It is the intent of the Town to purchase the land for conservation and recreation purposes, and the Town purchasing the land prevents the development of the property. There were apparently several developers who were interested. The preservation of the land would also prevent the stream that runs through the property and feeds into the Western Branch of the Patuxent River from any negative effects of development.

The property is now under contract with the Town, pending the Board passing an Emergency Ordinance at the July Town meeting to purchase the property (as we did for the pocket park). One of the key decisions in the State and M-NCPPC awarding the project POS funding is that the property needs to be acquired for the right of way for the Chesapeake Beach Railroad trail. The Town was recently awarded funding from M-NCPPC PAMC to conduct a feasibility study to build a segment of the trail from the Show Place Arena to MD 725. The Town will hold the title to the land but may enter into a maintenance agreement with M-NCPPC if they choose to build the rail trail.

The purchase cost is \$516,000, there were two appraisals completed (required by POS), one valued the property for \$500,000 and the other at \$532,000. POS will cover all costs the Town incurs in this acquisition project. The Town has spoken to LGIT, our insurance provider, to insure the property at no additional cost (as there are no structures).

After the property is fully purchased, the Town will look for grants to mediate the hazards on site, and hopefully build the trail.

An adjoining residential property on Valley Lane is also currently up for sale, staff are hoping for guidance from the Board to see if we should formally request funding for that acquisition as well as a park maintenance & access site.

