



Town of Upper Marlboro

BOARD OF TOWN COMMISSIONERS WORK SESSION

14211 School Lane, Upper Marlboro, Maryland, 20772

Tuesday, July 09, 2024 at 7:00 PM

AGENDA

This meeting will be conducted via Town Hall & Zoom Video Teleconference.

<https://uppermarlboromd-gov.zoom.us/j/86921574575?pwd=ACYjYUe4Sp0iU6xSYgkL4kDKjH4KmW5.1>

Passcode: 288870; **Webinar ID:** 869 2157 4575; **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

NOTICE OF CLOSED SESSION:

Tuesday, July 9, 2024

Following Board Work Session | 7:00 PM | Town Hall

Under General Provisions Article 3-305(b) (1)____ “To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals.”

The Board of Commissioners proposes to go into Closed Session following the Board Work Session on Tuesday, July 9th, 2024, 7:00 PM to discuss a personnel matter.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Review of Agenda**
5. **Business**
 - A. EDWG Bylaws (Board Discussion)
 - B. Property Standards (Board Discussion)
 - C. Charter Update (Board Discussion)
 - D. Meeting Regulations (Board Discussion)
 - E. Advertising (Board Discussion)
6. **Administrative Updates**
7. **Preliminary Approval of Next Meeting Agenda**
8. **Motion to go into a Closed Session**

Video of the Special Meeting / 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

BY-LAWS-DRAFT

TOWN OF UPPER MARLBORO ECONOMIC DEVELOPMENT WORKGROUP

ARTICLE I- NAME, LOCATION

This Workgroup shall be known as the Town of Upper Marlboro Economic Development Work Group (TUM-EDW). This Workgroup is established by Town resolution 2023-04. The TUM-EDW replaces and expands the former Sustainable communities Work Group (SCW) established in 2014 whose primary purpose was to maintain the Town's designation as a Sustainable community.

ARTICLE II- MISSION/PURPOSE

- (1) The mission of the TUM-EDW is to maintain the Town's Sustainable Community Designation awarded by the State of Maryland; seek grants; partner with organizations; provide support, education and assistance to the town's government, business community and its people.
- (2) The purpose and function of the Workgroup is to **a)** Oversee the Town's Business Improvement Grant Program by advertising to all businesses within the qualifying area. **b)** Voting to approve applications during workgroup meetings, and submitting the proper payment request to the Town Administrator; **c)** Co-ordinate with the Town to begin the research and identify steps to create a stand-alone 501-3c Town of Upper Marlboro Economic Development Corporation; **d)** Comply with requests from the Board of Commissioners, State of Maryland and/or Local Government as required; and **e)** coordinate the Town's Action Plan.

ARTICLE III- UM-EDW CHAIRPERSON

Section 1: The TUM-EDW shall be appointed by the Board of Town Commissioners and shall be made up of either three to five board members. The Board of Directors shall be made up of at least one of the below categories of members:

- a. One current Town resident of the Town of Upper Marlboro
- b. One Property Owner who owns commercially zoned real property within the Town's corporate limits who is in good standing with Town, County and State regulations.
- c. One Business Owner who owns or manages a registered business within the Town limits which is in good standing with Town, Country and State regulations.
- d. One standing Town Commissioner of the Town of Upper Marlboro,
- e. One additional member in compliance with Town legislation regarding Town Committees.

Section 2: The Board members shall select their own Chair, and forward their selection to the Board of Town Commissioners. The standing Town Commissioner on the TUM-EDC cannot serve as the Chair of the Board. The Chair appoints the Vice-Chair and Secretary from the Board of Directors.

Section 3: The Chair may resign by submitting a letter to the TUM-EDC within 30 days, if possible, of the expected date. The letter shall be read into the official minutes. The Chair may retain membership in the TUM-EDC. The Vice Chair may be appointed temporary Chair until a new Chair has been appointed.

Section 4: Vacancies occurring in any office other than the Chair shall be filled for the remainder of the term by electing a substitute at a regular meeting following the resignation.

Article IV-MEMBERSHIP

A member of the TUM-EDW can be any individual who expresses an interest in and who participates and contributes to the TUM-EDW mission.

Section 1: Additional members can be Town Staff, Maryland-National Park and Planning Commission (M-NCPPC), relevant State Agency Staff and other stakeholders who work and assist the Governing Board and provide guidance and resources.

Section 2: Additional members do not have a formal vote or decision-making capability.

Section 3: The Town of Upper Marlboro Board of Commissioners may formally appoint a designated Town-staff person to assist and be a liaison to the TUM-EDU

Article V- MEETINGS

Section 1: Meetings shall be held at Town Hall or through electronic meetings. In some instances, it may be at the best interest of the workgroup to hold in-person and electronic meetings, these meetings are called hybrid.

Section 2: Meeting Frequency: TUM-EDW meetings will be held the 4th Monday of each month except November and December where the meetings will be held the 3rd Monday.

Section 3: The following month's Agenda will be proposed at the end of each monthly meeting. The current month's Agenda will be submitted to members at least a week before the meeting is held.

Section 4: Additional Meetings: Additional meetings may be called by or of the Chair in advance.

Section 5: Quorum: A quorum is required when appropriating funds. Meetings can be held without a quorum to conduct regular business only.

Section 6: All meetings are subject to and in compliance with the Maryland Open Meetings Act, Chapter 3, Sections 3-102 and 3-303.

Article VI- Assigned Duties

Section 1: Chair- The Chair shall have executive supervision over the activities of the TUM-EDW within the scope provided by these bylaws. The Chair shall preside at all meetings.

Section 2: Vice-Chair- In the absence of the Chair, the Vice-Chair shall preside at meetings, assume the duties of the Chair in the event of absence, incapacity, or resignation of the Chair.

Section 3: The standing Town Commissioner of the TUM-EDW shall report to the Board of Town Commissioners at least quarterly on their work and submit a proposed budget to the Mayor/President during the month of March of each year.

ARTICLE VII-PARLIAMENTARY PROCEDURE

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

- Attendance will be taken through electronic means or an attendance roster.
- Review of previous meetings if needed
- Reports by break out groups
- Unfinished business
- New business
- Adjournment

ARTICLE VII-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 TUMEDW Board. By-law revisions must be approved by the Town Board of Commissioners before becoming effective.

ARTICLE VIII- EFFECTIVE DATE

These by-laws shall become effective on _____.

APPROVED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at their regular, monthly Town meeting, on this _____ day of _____,2023

Changes to Ordinance 2023-10

PROPERTY MAINTENANCE STANDARDS

SECTION 1. TITLE.

THIS CHAPTER SHALL BE KNOWN AS THE PROPERTY MAINTENANCE STANDARDS OF THE TOWN OF UPPER MARLBORO.

SECTION ~~1~~2. PURPOSE AND AUTHORITY

A. THE BOARD OF TOWN COMMISSIONERS DESIRES TO ENACT PROPERTY MAINTENANCE STANDARDS FOR THE TOWN OF UPPER MARLBORO TO PROTECT THE HEALTH, WELFARE, AND SAFETY OF THE CITIZENS AND RESIDENTS OF UPPER MARLBORO, AND TO PROTECT THE VALUE OF PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN FROM THE ILL EFFECTS OF POOR PROPERTY MAINTENANCE.

B. THE PROPERTY MAINTENANCE STANDARDS OF THE TOWN OF UPPER MARLBORO ESTABLISH THE MINIMUM EXTERIOR PROPERTY MAINTENANCE REQUIREMENTS FOR ALL PROPERTIES IN THE TOWN, INCLUDING NONRESIDENTIAL AND RESIDENTIAL (OWNER-OCCUPIED OR RENTAL) BUILDINGS. IT DOES NOT REPLACE OR MODIFY REQUIREMENTS OTHERWISE ESTABLISHED FOR THE CONSTRUCTION, REPAIR, ALTERATION, OR USE OF BUILDINGS, EQUIPMENT, OR FACILITIES, EXCEPT AS EXPRESSLY PROVIDED IN THIS CHAPTER. THE STANDARDS SHALL ALSO APPLY TO VACANT PROPERTIES.

~~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.~~

~~BC.~~ The authority OF THE BOARD OF COMMISSIONERS to provide for the general protection of THE 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-

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~~C. The authority to enact such regulations is provided in~~ AND Section 82-16(~~vv DD~~) (Specific Powers; Regulations HEALTH) 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) AND SECTION 82-88 (VIOLATIONS) 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~~ 3. APPLICABILITY AND SCOPE OF THE ORDINANCE PROPERTY MAINTENANCE STANDARDS

THIS CHAPTER ESTABLISHES THE MINIMUM REQUIREMENTS FOR THE MAINTENANCE OF BUILDINGS AND PROPERTIES AND SHALL GOVERN THE MAINTENANCE OF ALL BUILDINGS AND PROPERTIES WITHIN THE CORPORATE LIMITS OF THE TOWN OF UPPER MARLBORO ~~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.

SECTION 4. PROPERTY MAINTENANCE STANDARDS ADOPTION

~~The Prince George's County Housing Code adopting with amendment the~~ International Property Maintenance Code, ~~2000~~ 2018 Edition, as PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., ~~found~~ AS MODIFIED in Subtitle 13 "HOUSING AND PROPERTY STANDARDS" of the Prince George's County Code IS THE HOUSING AND PROPERTY STANDARDS CODE FOR PRINCE GEORGE'S COUNTY, MARYLAND. THE TOWN OF UPPER MARLBORO ADOPTS THE PRINCE GEORGE'S COUNTY HOUSING AND PROPERTY STANDARDS CODE, AS AMENDED FROM TIME TO TIME AS THE PROPERTY MAINTENANCE STANDARDS OF THE TOWN OF UPPER MARLBORO, AS IF SET OUT IN FULL HEREIN. ~~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~~ HOWEVER, that any IN THE EVENT OF A conflict between ~~this Residential Exterior~~ THESE Property MAINTENANCE Standards Ordinance or AND any other ordinances of the Town, and OR any provision of ~~Subtitles 4 and 13 of~~ the County Code, SUCH CONFLICT 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.

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~~C. This Ordinance~~ THE PROPERTY MAINTENANCE STANDARDS shall be construed liberally and justly to insure ENSURE the public health, safety and welfare insofar as it pertains to residential property maintenance standards.

SECTION 34. CODE ENFORCEMENT OFFICER

A. This Ordinance shall be enforced by a sworn police officer or by ~~an appointed~~ A 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 Chief of Police or their Designee.

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, 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 WHATSOEVER ~~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. The Code Enforcement Officer shall 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.

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- 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 from having the additional or collateral duties of Code Enforcement Officer.

SECTION 65. VIOLATIONS-ADOPTION OF COUNTY CODE

~~THE PROPERTY STANDARDS OF THE TOWN OF UPPER MARLBORO SHALL BE THE CURRENT PROPERTY STANDARDS CODE OF PRINCE GEORGE'S COUNTY. THE OFFICIAL BUILDING CODE OF PRINCE GEORGE'S COUNTY AND OTHER RELATED CODES TOGETHER WITH THE CHANGES, DELETIONS, OR MODIFICATIONS PRESCRIBED IN SAID CODES, AS AMENDED FROM TIME TO TIME, SHALL APPLY TO ALL RESIDENTIAL PROPERTIES IN THE TOWN OF UPPER MARLBORO.~~

~~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~~

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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.~~

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~~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 76. 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~~ THESE STANDARDS 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 hereinafter provided unless otherwise ~~noted in this Ordinance~~ STATE LAW. 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. COURTESY CARD NOTIFICATION PLACED IN A CONSPICUOUS LOCATION ON THE PROPERTY'S MAILBOX OR DOOR.

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2. 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
3. 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
4. By posting a copy of the notice in a conspicuous place on the premises affected by such notice.

SECTION 7. EMERGENCY

A. *EMERGENCY ACTION.* WHENEVER IN THE JUDGMENT OF THE POLICE CHIEF AN EMERGENCY EXISTS WHICH REQUIRES IMMEDIATE ACTION TO PROTECT THE HEALTH, SAFETY, OR WELFARE, AN ORDER MAY BE ISSUED WITHOUT NOTICE, CONFERENCE OR HEARING, DIRECTING THE OWNER, OCCUPANT, OR AGENT OF THE BUILDING TO TAKE SUCH ACTION AS IS APPROPRIATE TO CORRECT OR ABATE THE EMERGENCY.

B. *VACATING BUILDINGS.* WHEN IN THE OPINION OF THE POLICE CHIEF THERE IS A CLEAR AND PRESENT DANGER TO THE HEALTH OR SAFETY OF THE OCCUPANTS OF AN UNSAFE BUILDING THE DIRECTOR IS AUTHORIZED AND EMPOWERED TO ORDER AND REQUIRE THE OCCUPANTS TO VACATE THE SAME FORTHWITH. THE POLICE CHIEF SHALL CAUSE TO BE POSTED AT EACH ENTRANCE TO SUCH BUILDING A WARNING PLACARD AND IT SHALL BE UNLAWFUL FOR ANY PERSON TO ENTER SUCH BUILDING OR STRUCTURE EXCEPT FOR THE PURPOSE OF MAKING THE REQUIRED REPAIRS OR OF DEMOLISHING THE SAME.

C. *TEMPORARY SAFEGUARDS.* WHEN IN THE OPINION OF THE POLICE CHIEF THERE EXIST GROSSLY UNSANITARY CONDITIONS OR AN IMMEDIATE DANGER OF COLLAPSE OR FAILURE OF A BUILDING OR STRUCTURE OR ANY PART THEREOF WHICH WOULD ENDANGER LIFE, PROPERTY OR PUBLIC SAFETY, HE/SHE SHALL CAUSE THE NECESSARY WORK TO BE DONE TO RENDER SUCH BUILDING OR STRUCTURE OR PART THEREOF TEMPORARILY SAFE, WHETHER OR NOT THE NOTICE AND CORRECTION ORDER AND ANY OTHER PROCEDURES SET FORTH IN THIS CHAPTER HAVE BEEN FOLLOWED.

D. *CLOSING STREETS.* WHEN NECESSARY FOR THE PUBLIC SAFETY, THE POLICE CHIEF MAY TEMPORARILY CLOSE SIDEWALKS, STREETS, BUILDINGS AND STRUCTURES AND PLACES ADJACENT TO SUCH UNSAFE BUILDINGS, AND PROHIBIT THE SAME FROM BEING USED.

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E. *EMERGENCY REPAIRS*. FOR THE PURPOSE OF THIS SECTION, THE POLICE CHIEF SHALL EMPLOY THE NECESSARY LABOR AND MATERIALS TO PERFORM THE REQUIRED WORK AS EXPEDITIOUSLY AS POSSIBLE.

F. *COSTS OF EMERGENCY REPAIRS*. ALL COSTS INCURRED IN THE PERFORMANCE OF EMERGENCY WORK SHALL BE PAID BY THE OWNER OF THE REAL PROPERTY UPON WHICH THE BUILDING STANDS OR DID STAND. THE TOWN SHALL SEND THE OWNER A BILL FOR THE COSTS OF SUCH EMERGENCY REPAIR, VACATION, OR DEMOLITION BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND BY REGULAR MAIL TO THE OWNER'S LAST-KNOWN ADDRESS OR BY ANY OTHER MEANS REASONABLY CALCULATED TO BRING THE BILL TO THE OWNER'S ATTENTION. IF THE OWNER DOES NOT PAY THE BILL WITHIN ONE (1) MONTH AFTER IT IS PRESENTED, THE COST SHALL BE A LIEN AGAINST THE REAL PROPERTY WHICH MAY BE COLLECTED AND ENFORCED IN THE SAME MANNER AS ARE TAXES, SPECIAL ASSESSMENTS, AND OTHER LIENS ON REAL PROPERTY.

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. THE OWNER OF VACANT PROPERTY LOCATED IN THE TOWN OF UPPER MARLBORO SHALL MAINTAIN THE PROPERTY AND ANY VACANT STRUCTURE ON THE PROPERTY IN ACCORDANCE WITH THE TOWN'S PROPERTY MAINTENANCE STANDARDS.

B. 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 OF THE PROPERTY MAINTENANCE STANDARDS, ~~a responsible person~~ THE OWNER ~~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 CODE ENFORCEMENT OFFICER, POLICE OFFICER OR DESIGNEE ~~and its officials, employees and agents~~ shall have the right to

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~~enter upon the premises of the property in violation to abate any and all violations~~ A MUNICIPAL INFRACTION. ~~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 seven (7) days from the time of courtesy notification has been left at the property to correct the violation. If the violation is not corrected after seven days from the courtesy card notification, then an official letter shall be mailed to the property. A person shall have fifteen (14) days from the time the correction notice has been issued to correct the violation. If, after fifteen (14) 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 courtesy notification is not required for repeat violations. 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.
3. Notwithstanding (1) or (2) of this section, the town may notify Prince George's County Department of Permitting, Inspections, and Enforcement of the presence of the code violation fifteen days after first notification.

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

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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: SNOW AND VEGETATION REMOVAL FROM SIDEWALKS AND THE PUBLIC RIGHT OF WAY

A. Snow and ice shall be removed from sidewalks by the owner or occupant within 36 hours of the end of the snowfall.

B. Vegetation shall be kept clear of the sidewalk and public right-of-way and shall not obstruct views for traffic or the walking path for pedestrians. If a property owner fails to clear weeds or maintain trees and bushes overhanging the right of way the town and its officials, employees and agents shall have the right to clear the right of way and shall not be responsible for damage to plantings that overhang the public right of way.

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~~

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~~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 15. VIOLATION FINES, FEES AND SCHEDULE

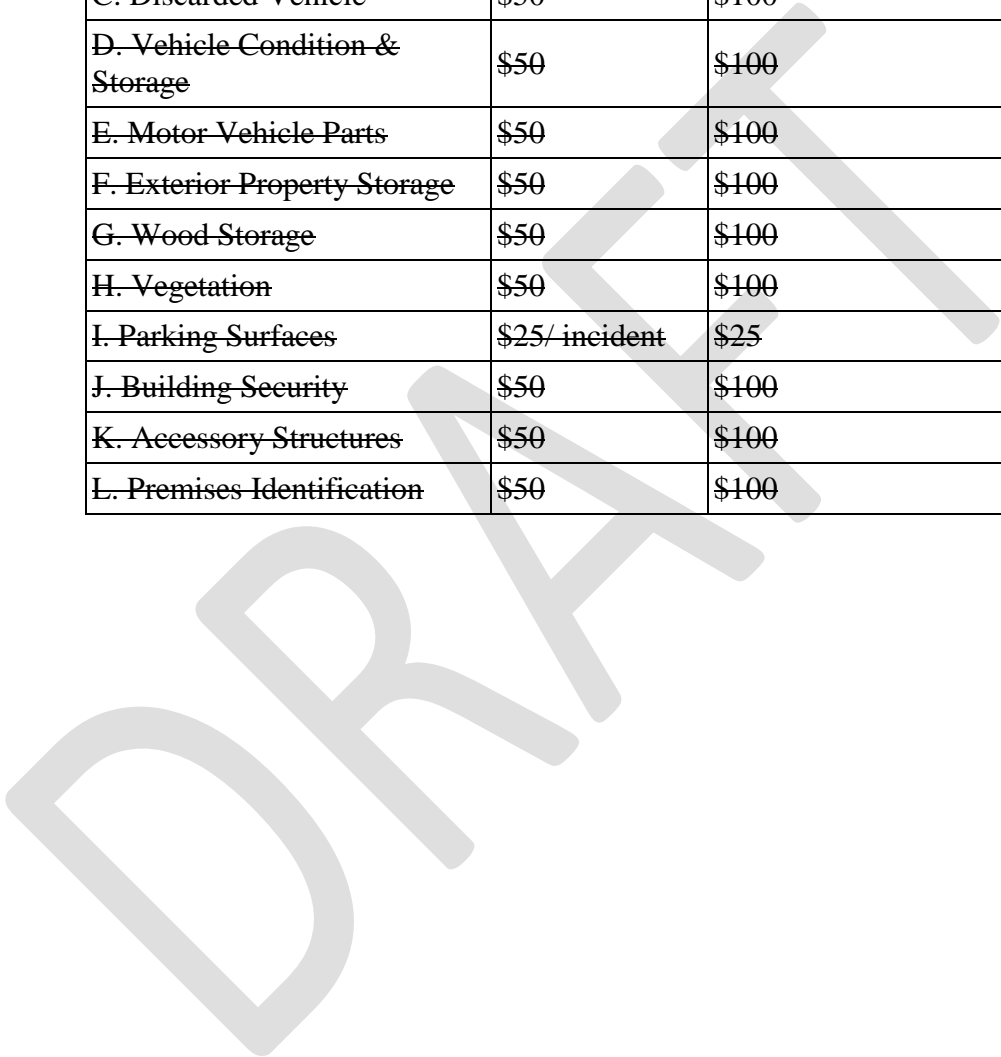
A. Unless otherwise stated herein, violation of any provision of this Ordinance shall be subject to a fine and/or fee, which may be set or changed from time to time by resolution of the Board of Commissioners. Failure to pay any fee, fine, late fee and/or costs to abate, or incurred to repair damage 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 shall establish fines at \$50 for the first offence and \$75 for repeat offenses.

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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



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The Town of Upper Marlboro

RESOLUTION: 2022-05
SESSION: Regular/Special Town Meeting
INTRODUCED: January 11th, 2022
ADOPTED: February 8, 2022

A RESOLUTION FOR THE ADOPTION OF NEW RULES OF ORDER AND REGULATIONS FOR PUBLIC MEETINGS OF THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO.

WHEREAS, the Board of Commissioners for the Town of Upper Marlboro (the “Board”) must meet and follow the Open Meetings Requirements (Subtitle 3) of the Open Meetings Act (Title 3) found in the Maryland Annotated Code, General Provisions Article, and the Town Charter; and

WHEREAS, in addition to the entire Charter, the Board is also specifically governed pertaining to meetings by the Town Charter, Sections 82-6 (Meetings of Board), 82-7 (Board to be the Judge of Qualifications of it [its] Members), 82-8 (Quorum), and 82-9 (Procedure of Board); and

WHEREAS, pursuant to said Section 82-9 of the Charter, the Board shall determine its own rules of order of business, and further pursuant to Section 82-13 of the Charter, the President shall preside at all meetings of the Board in accordance with the accepted rules of parliamentary procedure, except that they may vote on any questions before the Board; and

WHEREAS, pursuant to Section 82-6 of the Charter, the residents of the Town shall have a reasonable opportunity to be heard at any regular meeting in regard to any municipal question; and

WHEREAS, pursuant to Section 82-3 of the Charter, all legislative powers of the Town shall be vested in a Board of Commissioners consisting of five Commissioners who shall be elected and therein after provided and who shall hold office for a term of two years and until the succeeding Board takes office; and

WHEREAS, the Board intends to repeal and re-adopt its rules for the conduct of meetings as stated herein below; and

WHEREAS, the Board of Commissioners further finds that the following rules of order for the conduct of meetings and regulations for public meetings regarding observation of or participation in said meetings should be adopted as stated herein below.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Town of Upper Marlboro hereby approves, adopts and authorizes the following rules of procedure for the conduct of meetings and regulations for public meetings:

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ARTICLE 1. AUTHORITY, APPLICABILITY, & AMENDMENT

1.1 Authority.

Section 82-9 of the Town Charter of the Town of Upper Marlboro, Maryland, grants the Board of Commissioners (the “Board”) the right to determine its own rules of procedure, and the following rules are enumerated under and by authority of said provision.

1.2 Applicability; Robert’s Rules.

The rules of procedure adopted by the Board are applicable to Town Board of Commissioners meetings. Should these rules be silent or inapplicable on a matter of procedure then the latest edition of Robert’s Rules shall control.

1.3 Amendment.

These rules may be amended, or new rules adopted, by a majority vote of the members of the Board present.

1.4 Recession and Suspension of Rules.

A motion to suspend these rules and procedures may be brought pursuant to a majority vote of the members of the Board present.

ARTICLE 2. GENERAL RULES OF PROCEDURES & POLICES

2.1 Meetings Shall be Public; Open Meetings.

A. A meeting occurs when a quorum of the Board convenes to consider or transact public business. Pursuant to Section 82-8 of the Town Charter, a quorum is a majority of the Board’s elected membership, or three (3) commissioners. However, no ordinance shall be approved, nor any other substantive action taken unless the measure or action is approved by at least three (3) commissioners.

B. All meetings of the Board shall be governed by the Maryland Open Meetings Act and shall ordinarily be public, and notices thereof shall be posted as provided under the Maryland Open Meetings Act, General Provisions Article, Title 3, Annotated Code of Maryland, Section 3-302, stating that except in the case of an emergency meeting, notice of all meetings shall be given at least 24 hours in advance. Nothing in this section precludes the body from meeting in closed session as outlined in the Maryland Open Meetings Act. The information required in 3-306 of the Open Meetings Act as to notice to the public of the time, vote, persons present and topics discussed shall be appended to the minutes of the next public meeting.

C. Maryland Open Meetings Act. *The Maryland Open Meetings Act, Chapter 3-A-The right*

to "attend" a meeting, Section 3- 303(a) provides, "[w]henver a public body meets in open session, the general public is entitled to attend." This means that members of the public may come to a meeting and observe it and not necessarily speak at the meeting unless the Charter or the meeting rules state otherwise. This includes any motion being considered to close a meeting, where the Act does not permit the public generally to be entitled to speak (*City of New Carrollton v Rogers*, 287 Md 56, 72 (1980) (While the Act does not afford the public any right to participate in the meetings, it does assure the public the right to observe the deliberative process and the making of decisions by the public body at open meetings). So, unless the public body is governed by laws that require the particular body to receive public comment, the decision of whether to allow members of the public to speak is up to the public body. Pursuant to Section 82-6 of the Charter, the residents of the Town shall have a reasonable opportunity to be heard at any regular meeting in regard to any municipal question, but that right is during the designated period. Ordinarily, the management of the public comment period is up to the presiding officer. See, e.g. 9 OMCB Opinions 232, 233 (2015) (stating that the Act does not regulate the presiding officer's decisions on whether to allow a member of the public to speak). Complaints about the manner in which a presiding officer conducts a public comment period thus do not state Open Meetings Act violations. 8 OMCB Opinions 84, 85 (2012).

2.2 Regular Meetings.

From the Charter: "The newly elected Board shall meet at 8:00 p.m. on the first Monday of December following its election for the purpose of organization, including electing a President and appointing a Treasurer, after which the Board shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings may be called upon the request of the President or a majority of the members of the Board. All meetings of the Board shall be open to the public, except that the Board may, by majority vote, meet in closed session for any purpose then authorized by State law; and, the residents of the Town shall have a reasonable opportunity to be heard at any regular meeting in regard to any municipal question."

A. Regular Town Meetings: Starting in March 2022, the Board of Town Commissioners will hold their Town Meetings on the 4th Tuesday of the Month.

2.3 Work Sessions.

A. Purpose. The Board may call and hold work sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the Board. The work session is a meeting subject to the Open meetings Act. However, the formal adoption or passage of Ordinances, Charter Amendments, Annexation Resolutions, Budget Amendments, other legislation or formal (written) resolutions, should not be done

at a work session, unless the rules are suspended.

B. The Board conducts Work Sessions, which are open to public observation only, but participation is at the discretion of the Board. Starting in March 2022, Regular Work Sessions will be held on the 2nd Tuesday of the month. Work Sessions, like special or emergency sessions, are not regular meetings and no opportunity need be provided under Section 82-6 of the Charter for citizens to speak. See also Maryland Open Meetings Act, Chapter 3-A- The Right to "attend" a meeting, Section 3-303(a).

2.4 Special Meetings.

Occasionally, the Board will call a Special Meeting, or, an Emergency Meeting should a timely business item need immediate action. Special meetings may be called upon the request of the President or a majority of the members of the Board.

2.5 Emergency Meetings.

A. In case of an emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive, and notice is posted two (2) hours before the meeting is convened. Notice shall be provided also to the media, as applicable should any member of the media regularly attend Town meetings, and the public by electronic or website notification.

B. An emergency meeting is a type of special meeting. An emergency ordinance may be introduced and passed at any public meeting of the Board provided the rules allow it or are properly waived.

2.6 Closed Sessions.

The Board may close a meeting to the public by a vote in open session under the circumstances, conditions, and for reasons set forth in the Maryland Open Meetings Act, Closing a Meeting - Section 3-305-306 (c). Notice of Closed Sessions shall be given as required by law. Closed sessions also encompass executive or administrative sessions of the governing body or joint meetings with staff. An executive or administrative session may be convened and closed to discuss the implementation of existing law, or policy or the discussion of pre-decisional administrative matters only and may not delve into policy or legislative or administrative rule making.

2.7 Recessed Meetings.

No meeting shall be recessed for a longer period of time than until the next regular meeting except when required information has not been received, or, in the case of work sessions or special meetings, to a date certain by motion agreed to by the Board.

2.8 Information Meetings.

The Board may hold information meetings to present information to, and obtain feedback from, residents of the Town. The Board will determine the rules governing presentations at such meetings. Information meetings are similar to public hearings but are not mandated by law.

2.9 Public Hearings.

This section is only used when a statutorily required public hearing is part of the order of business. The President/Mayor shall first request staff comments. The Mayor shall open the public hearing and receive citizen input in the following order: proponents, then opponents. While the public hearing is open, the Commissioners may ask questions of the speakers, but may not deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules established herein for citizen comments. Upon conclusion of citizen comments, the President may close the public hearing. The Board may deliberate or take action on the matter at hand upon the closing of the public hearing, provided the closure is permitted by the Maryland Open Meetings Act.

2.10 Roll Call and Attendance.

- A. A majority of the members of the Board then in office shall constitute a quorum.
- B. Before the Board proceeds with the business before it, the Town Clerk shall conduct a roll-call and note the members present for the minutes. The late arrival of members shall be entered into the minutes.
- C. Except when participating by telephone, or video conference (with cameras on), members must be physically or virtually present at the Board's chamber to vote. Proxy or absentee voting is not permitted. Participation by telephone or video conference is permitted provided being properly advertised in the agenda.

2.11 Quorum.

- A. Majority of the members elected to the Board shall constitute a quorum to do business, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by Town legislation.
- B. The affirmative vote of a majority of the members elected to the Board shall be necessary to adopt any ordinance, or approve any other action taken except that a vote to adjourn, or decide a procedural matter, or regarding the attendance of absent members, may be adopted by a majority of the members present.

C. No member shall be excused from voting except as required by law or on matters involving the consideration of their own ethical conduct or conflict of interest.

D. Three (3) Commissioners consist of a quorum.

E. If conducting a virtual meeting or blended meeting, the at least three Commissioners (a quorum) on the call shall have their video on and faces visible to the public.

2.12 Loss of a Quorum.

A. Once a meeting has been properly convened with the presence of a quorum and the number of persons necessary to constitute a quorum is no longer present, the President or Presiding Officer shall declare the meeting recessed until a quorum is reestablished. A member of the Board has a duty to attend all meetings called unless there is good cause to be absent.

B. Upon reestablishment of the quorum, the Board shall resume consideration of the matter before it at the time of the recess.

C. If, in the opinion of the President or Presiding Officer, a quorum cannot be obtained within a reasonable period of time; the President or Presiding Officer shall declare the meeting adjourned until the next scheduled meeting.

D. At that next meeting, after taking up the usual preliminary matters, the Board shall resume its consideration of the matter that was before it when it previously adjourned. This shall not prevent any Board member from moving to table, defer, postpone, or make any other appropriate motion with respect to any pending matter.

2.13 Conflict of Interest.

A. A Board member prevented from voting by a conflict of interest shall file a conflict-of-interest statement with the Town Clerk as soon as possible after the posting of an agenda which contains a conflict; unless a prior conflict of interest statement has already been filed with the Town Clerk.

B. A Board member prevented from voting by a conflict shall step down from the dais and take a seat in the audience, shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence the Board's deliberation of the matter in any way, and shall not attend Closed Sessions regarding the matter. Definitions and examples of conflicts or potential conflicts of interest may be found in the Town of Upper Marlboro Public Ethics Ordinance (Ord. 2016-04), as amended.

2.14 Presiding Officer.

A. The President/Mayor shall serve as the Presiding Officer for all meetings of the Board. In the absence of the President, the senior Commissioner by time in office shall serve as the Presiding Officer. In the absence of a senior Commissioner, the clerk to the board shall call the meeting to order if a quorum of the Board is present and the first order of business

shall be for the Board to elect by majority vote, a temporary Presiding Officer from the members seated and in attendance. The temporary Presiding Officer shall serve in such capacity until the meeting is adjourned.

2.15 Place of Meeting.

All meetings of the Board, unless otherwise determined, shall be held at the Town of Upper Marlboro Town Hall, Board of Commissioners' Chambers. In addition to the customary forms of notification, the notice of change in meeting place shall be prominently posted on the door or other prominent place at the regularly scheduled meeting place. The Town may also conduct virtual or blended (virtual & in-person) as needed, with links to join virtually included on the agenda.

2.16 Notice of the Meeting.

Written notice of all public meetings of the Board shall be posted on the bulletin board or other customary place at Town Hall, and posted on the Town's website and social media outlets, if any. The notice will show the date, time, place and topic(s) of such meetings and shall include a proposed agenda and, if applicable, a notice that portions of the meeting may be closed.

2.17 Conduct of Meetings.

Commissioners shall be recognized by the Presiding Officer before speaking. Other persons at the meeting of the Board may speak when called upon or invited.

2.18 Dissents and Protests.

Any member shall have the right to express dissent from or protest against any ordinance, resolution, or act of the Board and have the reason therefor entered into the minutes. Such dissent or protest may be filed in writing, if couched in respectful language, and presented to the Clerk no later than the next regular meeting following the date of passage of the ordinance or other legislation.

2.19 Courtesy, Decorum, Conduct and Order.

These rules of order are meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the President/Mayor (and members of the Board) to maintain that atmosphere of courtesy and decorum. The Mayor should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities of the participants of the discussion. Debate on policy is healthy; debate on personalities is not. In order to assist in the creation and maintenance of that atmosphere the following rules shall govern all meetings.

- A. Before a Board member, staff member or an audience member may speak, they

must first be recognized by the Mayor. Upon recognition the person requesting to speak shall hold the floor and shall make their point clearly and succinctly. Public comments will be limited to three (3) minutes or as determined by the presiding official. Persons making inappropriate, disrespectful and/or, personal attacks, overly redundant, misleading, or slanderous remarks may be barred by the Mayor from further comment before the Board during the meeting. Audience members who wish to speak during an agenda must first sign-up on the sign-in sheet and submit it to the Town Clerk. The Mayor has the right to cut a speaker off if the discussion becomes too personal, too loud, too crude, inappropriate, disrespectful, redundant, misleading, or slanderous. The Maryland Open Meetings Act-Section 3-303 allows for the presiding officer or public body to remove an individual from a meeting if the Presiding Officer determines the behavior of the individual is disrupting an open session.

- B. If a person fails to request to speak before speaking, the Mayor shall rule them “out of order” and remind them that they do not have the floor. While the Board of Commissioners is in session, all members must preserve order and decorum. A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of any Board meeting, whether a Regular meeting, Special meeting or a work session, nor disturb any other person while speaking or refuse to obey the orders of the Mayor or Presiding Officer. Members of the Commission should not leave their seats during a meeting without first obtaining permission of the Mayor, or making a motion to recess.
- C. Every person desiring to speak shall address the entire body and shall not single out a member of the Board, the audience or a staff member and shall confine themselves to the items on the agenda, avoiding all personal attacks and indecorous language.
- D. With a “call for orders of the day,” this is simply another way of saying, “let’s return to the agenda.” If a Board member believes the discussion has strayed from the agenda, this motion may be raised. The motion does not require a vote. If the Presiding Officer discovers that the discussion has strayed from the agenda, he or she simply returns to the business of the day.
- E. A member indulging in any language or conduct unbecoming a Commissioner shall be called to order by the Presiding Officer and, in such case; the offending member shall lose the floor and shall not proceed without the approval of a majority of the members present. The Board may, by majority vote, expel a member from a meeting for disorderly conduct or violation of Board rules. A member of the staff or the public can likewise be expelled by order of the Mayor subject to review by the Board. The Mayor may be expelled if a motion is made by a Commissioner and approved by a majority of the Board. The Board would

then choose a temporary presiding officer to continue the meeting.

- F. Members shall not raise personnel matters pertaining to alleged improper performance or conduct of any Town employee(s) or Board appointee(s) at a public open meeting. Any concerns about conduct or performance of any Town employee(s) or appointee(s) shall be brought to the attention of the Town's Director of Finance & Human Resources, or a Closed Session of the Commission may be requested to discuss the personnel matter.
- G. Members of the Board acting in their capacity as Commissioners shall not take positions on either national or foreign political issues that do not affect the Town.
- H. Demonstration or Disorder Amongst Bystanders - If any confusion, demonstration or disorder arises in the Board Chambers, the Presiding Officer may, upon his or her initiative or upon the request of any member, enforce order. If the offending person(s) be a spectator, such person(s) may be ejected from the Chambers. If any member of the Board shall object to the ruling of the presiding officer, such member shall have the right to appeal to the body.
- I. Members of Staff - The Town Administrator and Town Clerk shall have the right to take part in the discussion of all matters coming before the Board, and other members of staff shall be entitled to take part in discussions of the Board relating to their respective offices.
- J. Members of the public may speak for three (3) minutes, during Public Comment Time, at Regular Town meetings of the Board of Commissioners according to procedures established by the Board.
 - 1. A sign-up sheet will be placed on the side table in the room for people to sign-in if they wish to speak. They will be called to speak at the podium in the order in which they were signed-in. If the meeting is held virtually, the public will be able to "raise their hand" or chat with the Town Clerk to sign up to speak.
 - 2. Each speaker is limited to one presentation per agenda item allowing for public comment per meeting and a maximum timed limit of three (3) minutes unless another limit is established.
 - 3. If the subject matter does not pertain to Town business the Mayor shall

advise the individual and/or make recommendations as to how they may get the issue addressed.

4. Citizens speaking on agenda items shall restrict their comments to the subject matter listed.
5. Citizens speaking on non-agenda items shall only speak on matters pertaining to Town business or issues which the Board would have the authority to act upon if brought forth as an agenda item.
6. The Board may not act upon or discuss any issue brought forth as a non-agenda item; except to: Make a statement of specific factual information given in response to the inquiry, or a recitation of existing policy in response to the inquiry.
7. Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, misleading, or personal attacks are strictly prohibited and violators may be removed from the Commission chambers.
8. No placards, banners or signs may be displayed in the Board chambers or Town Hall. Exhibits relating to a presentation are acceptable.
9. Arguing, intimidation or other disruptive behavior is prohibited. Discussion and/or debate are acceptable only on items specifically listed on the agenda, or that are municipal issues and must be complete within the three-minute comment period allotted to the speaker.

2.20 Board May Discipline its Own Members.

A. In the event a Board member violates the Charter, an ordinance, these rules or any other law or regulation of the Town or acts in a manner that causes embarrassment or disgrace to the Town of Upper Marlboro, the Town Board of Commissioners by majority vote of its members may discipline the offending member.

B. Such action may only take place after an executive session is held to discuss the offense. The offending member shall be present at the executive session to answer any questions asked by members of the Board of Commissioners or make other statements as he or she may desire to make in his or her defense. If the offending member refuses to attend the executive session, the remaining members of the body may proceed in his or her absence.

C. The outcome of the executive session may be as follows and shall be made publicly in open session in accordance with the Maryland Open Meetings Act:

1. *No Action*. The Board chooses to take no action.
2. *Private Censure* – The Board may choose to privately censure the offending member, leaving their individual or collective comments to the offending member left in the confines of the closed session.
3. *Public Censure* – The Board may choose to publicly censure the offending member through a written or oral resolution passed by majority vote and entered into the public record. The public censure may include a separate written letter of censure that will be considered to be a public record and placed in the member’s personnel record along with any formal resolution.

D. Town elected officials alleged or found to be in violation of the Town’s Public Ethics Ordinance may, in addition to or in lieu of receiving a censure under these rules, be further subject to the enforcement procedures and penalties of the ethics ordinance.

2.21 Motions – when reduced to writing.

Any member of the Board may call for a motion that has been made and seconded to be written down and read by the Town Clerk before debate.

2.22 Other Procedural Motions.

1. *Motion to Adjourn* – This motion, if passed, requires the Board to immediately adjourn to its next regularly scheduled meetings. This motion requires a simple majority.
2. *Motion to Recess* – This motion, if passed, requires the body to immediately take a recess. Normally the Mayor will determine the length of the recess which could last for a few minutes to several hours. It requires a simple majority vote.
3. *Motion to Table* – This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda to be placed on hold. The motion may contain a specific time to bring the item up again, or it may not specify a time. If no time is specified, the item shall be placed on the agenda at the following Town Board of Commissioners meeting.
4. *Motion to Remove from the Table* – This motion, if passed, allows the Board to remove an item previously placed on hold. A vote in favor of removing an item

from the table must be made before the body can take action on an item that was tabled.

5. *Withdraw a Motion* – During the debate and discussion of a motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn and discussion on the motion shall cease. Board members are free to make the same motion or another motion.

2.23 Rules of Discussion of pending questions.

After the previous question has been seconded and the main questions ordered, the member who has introduced, or the staff member who has reported on the matter under consideration, shall have ample time to discuss the proposition pending, at the close of which the vote shall be taken.

ARTICLE 3. VOTING

3.1 Voting Rules.

A. When a question is put, every Board member present shall vote either in the affirmative or a negative, or abstain if there is a conflict of interest on the matter being voted on before the Board of Commissioners. Any member shall be entitled to abstain so long as such member gives a reason for abstaining and such reason falls within one of the following:

1. When the vote would or could be considered improper pursuant to the Town Public Ethics Ordinance.
2. When the vote could or may show bias for or against a person, organization or business that the member has a close personal relationship with thus reflecting poorly on the member and office such member holds.
3. When any member has a direct financial gain or personal gain from the outcome of the vote.

B. Except when determined by the body to vote using another method, all voting shall be made by voice vote. All votes will be taken by a “roll call” by the Town Clerk and shall be stated as a “yea” or “nay.” A record of the “yeas” and “nays” shall be entered upon the minutes of the proceedings of the Board.

D. Prior to a Board vote, the President/Mayor shall go down the list of the Commissioner’s names to check individually if there are any comments, questions, or concerns, prior to the

vote.

3.2 Voting Disqualification.

- A. A member shall not vote upon any matter on which the member is disqualified due to a conflict of interest, or any quasi-judicial action regarding that in which the member is biased.
- B. A member shall openly state an abstention due to a conflict of interest or bias.
- C. A member who is abstaining due to a financial conflict of interest shall publicly identify the financial interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
- D. As to any other conflict of interest, the member's determination may be accompanied by an oral or written disclosure of the conflict of interest.
- E. A member who is disqualified by a conflict of interest in any matter shall not remain on the dais during the discussion and shall not vote on that matter.

3.3 Tie Votes in Filling Vacancy.

In the case of a vacancy under Section 82-32 of the Town Charter in the office of President and the remaining four elected members of the Board cannot agree on a successor to temporarily fill the office of President, then the Board member receiving the highest number of votes in the most recent general election shall become the Interim President/Mayor until the vacancy can be filled by a majority after a special election.

ARTICLE 4. MINUTES & RECORD KEEPING

4.1 Minutes of Meetings.

Minutes of regular meetings, special meetings, public hearings, public meetings, and work sessions shall be made available to the Public by the Town Clerk. However, minutes shall not be available until approved by the Board in a regular meeting. Approved minutes are also posted on the Town's website. Minutes of closed sessions of the body held in accordance with applicable state law shall not be open to public inspection, shall be approved in closed session, and shall remain sealed until the body votes to disclose them which should be reviewed and decided on a periodic basis or as otherwise agreed upon by the Board.

4.2 Record of Meetings.

The Town Clerk or designee shall be responsible for minutes of each Regular or Special Meeting and Work Session of the Board of Town Commissioners and for maintaining the official record, which shall include all Board actions. Minutes shall include:

- A. All motions made, the name of the motion maker and second, the method and outcome of the votes taken, names of guests and their affiliation; and
- B. Copies of resolutions, new or revised ordinances or other actions approved by the Town Board of Commissioners.
- C. All ordinances, charter amendment resolutions, and annexation resolutions shall have their titles and sequential numbers read into the record.

ARTICLE 5. SUSPENSION & AMENDMENT OF RULES

5.1 Suspension of Rules.

Any provisions of these rules not governed or controlled by federal, or state law, or the Town Charter or ordinances may be temporarily suspended by a majority vote of all elected members of the Town Board of Commissioners and may be amended in a similar fashion if such amendment was introduced at the previous regular meeting of the Town Board and shall have received preliminary approval of the Town Board at such meeting.

5.2 Enforcement of Rules and Procedures.

The following provisions may be used to enforce the good order of the meeting. The action may be taken by the President/Mayor under his or her own action, or upon a motion to enforce by any Board member.

- A. *Warning* – The President/Mayor may order any person (Board member, staff member or audience member) in violation of these rules to be silent.
- B. *Removal* – If, after receiving a warning from the Mayor or presiding officer, the person continues to disturb the good order of the meeting, the Mayor or presiding officer may order the person to leave the meeting. If the person does not leave the room, the President/Mayor may have the individual removed by the Police.
- C. *Motion to Enforce* – Any Board member may move to require the Mayor to enforce these rules and the affirmative vote of a simple majority of the body shall require the President/Mayor to do so. A motion to enforce is an allowable interruption and is not debatable. Failure of the Mayor to comply will result in the Board selecting a new presiding officer and direct staff to have the Mayor removed from the meeting.

ARTICLE 6. THE AGENDA

6.1 Agenda.

- A. The agenda shall outline the established order of business.

- B. The President shall include on the agenda any item at the request of any member of the Board, provided that the member shall have furnished to the Town Clerk a description of the item in time for inclusion with the printed agenda within 3-5 days prior to the meeting.
- C. At least ten days before each regular meeting, the Town Clerk shall provide each member of the Board a copy of the agenda for the forthcoming meeting, together with copies of all ordinances, resolutions, and background material of matters to be considered at the meeting.
- D. Under Section 3-302(c) of the Maryland Open Meetings Act found in the General Provisions Article of the Maryland Code, the ability to observe does not mean that the public body must provide to the audience copies of the documents being reviewed by the members. However, the public must be given a grasp of what is being discussed and acted upon at the meeting. The Md. Open Meetings Compliance Board has advised that an oral summary or general description of the documents in question will ordinarily serve this purpose.
- E. Copies of the agenda shall be posted on the Town website and on the bulletin board in the Town Hall at least one business day prior to each regular meeting. A reasonable number of copies of the agenda shall be available to the public at the Board meeting or earlier upon request, as available.
- F. All meeting agendas and amendments to the agenda shall be approved by the Town Board of Commissioners at the beginning of the meeting. Items on the agenda can be reordered by the Board during the scheduled meeting.
- G. Items of routine business that generally require no discussion by the body may be placed on a Consent Agenda of a Regular Meeting. Any member of the Board may remove an item from the Consent Agenda and place it under Action Items.
- H. All meeting agenda and amendments shall be approved the Board at the beginning of the meeting. Items on the agenda can be approved by the Board during the scheduled meeting.
- I. Agendas for Regular Meetings and Work Sessions shall be published at least 3-5 business day prior to the meeting. Agendas for special or emergency meetings may be published as far in advance as reasonably practicable.

6.2 Order of Business.

The Town’s governing body shall observe the following order of business at Town regular or special meetings subject to amendment at the subject meeting:

- I. Call to Order
- II. Roll Call

- III. Pledge of Allegiance
- IV. Consent to the Agenda
- V. Approval of Minutes/Financial Reports
- VI. Staff Reports
- VII. Committee Reports
- VIII. Commissioner Reports
- IX. Business Items
- X. Administrative Updates
- XI. Public Comment
- XII. Adjournment

ARTICLE 7. WORK SESSION POLICIES & PROCEDURES

7.1 Purpose.

The President or Board may call and hold work sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the Town Board of Commissioners. The work session is a meeting subject to the Open meetings Act. However, the formal adoption or passage of Ordinances, Charter Amendments, Annexation Resolutions, Budget Ordinance Amendments, and other legislation or resolutions, should not be done at a work session. The following rules shall prevail for the call and conduct of work session meetings. *Except in compliance with Section 7.5.*

7.2 Agenda.

Only a limited number of matters shall be considered by the Board during a work session, and sufficient time for consideration of such matters shall be provided. An abbreviated agenda order shall be used for all work session agendas.

7.3 Documents and Exhibits to be Presented.

When possible, staff shall make available to the Board all documents, proposed legislation, policies, contracts, exhibits, maps, plans, architectural drawings, specifications, correspondence or other similar documents at least seven days before the beginning of the session.

7.4 Technical or Legal Questions.

All questions of a technical or legal nature, which require a detailed explanation for understanding, may be considered in a work session. The Commissioners may, through the President, request the attendance of such staff members, the Town Attorney or outside experts as may be required to answer such questions. A work session or portion thereof, like any other public meeting, may be closed to confer with legal counsel, staff or other

experts as permitted by the Maryland Open Meetings Act.

7.5 Voting

Voting in a Work Session shall not be permitted except in the case that:

- A. The matter is on a topic considered “Old Business”
- B. The voting on the matter is necessary due to a deadline before the next regular meeting.
- C. The matter does not concern the completion of a contract
- D. The matter does not concern an expense greater than \$5,000
- E. The fact of the vote must be advertised for as long as practical and for a minimum of 24 hours in advance of the Work Session.
- F. The matter will be moved to the first order of business on the Agenda.
- G. Public Comment must be allowed in accordance with Section 2.9 (J).

7.5 Audience Comments or Questions.

Audience comments or questions will not be considered at a work session. Unless permitted by the presiding officer or unless the board will be voting on an issue in compliance with section 7.5 above.

ARTICLE 8. GENERAL COMMISSIONER REQUESTS

8.1 Commissioner Requests.

Commissioner requests that deal with policy issues and Commissioner requests that may be construed as direction or orders shall be directed to the President or their designee, except for general inquiries or questions involving constituent services, in which case the Commissioners may go to the Town Administrator, unless opposed by a majority of the Board.

8.2 Commissioner Requests for Funding.

Commissioner requests requiring funding must go through the President, Treasurer, and Director of Finance. The President and Treasurer shall respond in a timely manner.

8.3 Use of Staff Resources.

A request for use of staff time, other than standard requests for information from department heads, by a Commissioner must be made through the Town Administrator unless already approved by the Board of Commissioners.

ARTICLE 9. PUBLIC STATEMENTS BY COMMISSIONERS

9.1 Representation or position by the Board or President.

When the individual Commissioners give a public statement in their elected capacity on an issue affecting the Town, the Board member shall first identify the adopted position of the Town Board of Commissioners with respect to that subject, if any. Thereafter, the elected official may provide a statement of personal opinion or comment (including a minority or

opposing viewpoint), provided the Board member expressly acknowledges that such statements do not represent the position of the Town. Notwithstanding anything in this Article to the contrary, the President/Mayor as the Chief Executive Officer shall be the principal spokesperson for the Town on any municipal matter and pursuant to the Charter may reserve the paramount right and prerogative of speaking exclusively on behalf of the Town pertaining to the administration of the day-to-day affairs of the Town and the faithful execution of all laws and policies of the Town.


NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners for The Town of Upper Marlboro, sitting in regular session this 8th day of February 2022.

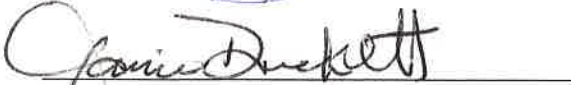
ATTEST:


Clerk: John Hoatson
Date: February 8, 2022



THE TOWN OF UPPER MARLBORO


Sarah Franklin, President


Janice Duckett, Commissioner


Thomas Hanchett, Commissioner


Karen Lott, Commissioner

Vacant, 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 this Resolution, and that said Resolution 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 8th day of February, 2022.


John Hoatson, Town Clerk