



# Town of Upper Marlboro

## BOARD OF TOWN COMMISSIONERS WORK SESSION

14211 School Lane, Upper Marlboro, Maryland, 20772

Tuesday, November 12, 2024 at 7:00 PM

### AGENDA

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This meeting will be conducted at the Town Hall and via Zoom Video Teleconference.

<https://uppermarlbormd-gov.zoom.us/j/89166599252?pwd=b005VWlrejRaTEZEZVJlVjVjHQ21RQT09>

**Webinar ID:** 868 4787 6643; **Passcode:** 404232; **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. **Business**
  - A. Update of Speed Camera on MD Route 4 (Board Discussion)
  - B. Job Description Update (Board Discussion)
  - C. Ordinance 04-2024: Property Standards (Board Discussion)
  - D. Charter Review (Sections 1-15) (Board Discussion)
6. **Administrative Updates**
7. **Preliminary Approval of Next Meeting Agenda**
8. **Adjournment**

*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

## **Deputy Town Administrator/ Town Clerk**

**Statement of Duties:** Deputy Town Administrator is an exempt position performing a variety of complex administrative assignments within the General Government Department, including analysis, evaluation, research, writing, and communicating; and oversees programs and projects that require experience in administration and Town Council interaction, interdepartmental and community interaction. In coordination with the Town Administrator, responsible for oversight of General Government Department and other services provided.

**Supervision Required:** The employee works under the supervision of the Town Administrator.

**Supervisory Responsibility:** The incumbent is a managerial employee, exercising direct and general supervision over employees. The incumbent does plan and carry out a planned work program, situations and circumstances may necessitate changes in priorities.

**Accountability:** This position is highly accountable and incorrect actions or misjudgment would typically result in monetary loss, missed deadlines, as well as legal repercussions, and adverse public relations.

**Judgment:** Activities are complex. Significant independent action and judgment is exercised. Requires evaluating and interpreting information on issues/problems and situations that have not previously been encountered. Synthesizes information from a variety of sources to develop groundbreaking new methods, practices, and services that have not previously been applied.

**Nature and Purpose of Contacts:** Position has constant interaction with co-workers, the public and with groups and/or individuals who have conflicting opinions or objectives, diverse points of view or differences where skillful negotiating and achieving compromise is required to secure support, concurrence and acceptance or compliance; OR one-on-one relationships with a person who may be under severe stress, where gaining a high degree of persuasion may be required to obtain the desired effect. The employee may represent to the public a functional area of the organization on matters of procedures or policy where perceptiveness is required to analyze circumstances to act appropriately.

**Essential Functions:** The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

- Assists the Town Administrator in overseeing the professional and administrative responsibilities and direction of Town affairs, including the planning, organizing, supervising and directing all assigned functional responsibilities.
- Responsible for assisting Town Administrator around Operations and Development, including, but not limited to, the following:
  - o Provides general management assistance to Town Administrator in structural reorganization, inter-departmental communications and public relations.
  - o Assist with the oversight of administrative services of the Town Administrator's Office. Assists task forces, citizens committees and various employee groups in researching issues and providing analysis of existing operations and in proposing future directions.
  - o Oversees development of departmental capital plan and budgets, and develops a comprehensive and timely budget.
- Assist in the development of departmental goals and objectives.
- Provides a variety of professional and administrative responsibilities to the Town Administrator in numerous areas of Town management and operations, on an assigned basis.
- Serves as Acting Town Administrator for and in the absence of Town Administrator.
- Maintain custody of official records and archives of the Town
- Ensure the maintenance and availability of records and information needed to provide an accurate account of government actions
- Ensure historical Town records are collected and preserved
- Oversee the development and implementation of the Town's record management procedures and guidelines
- Serve as the corporate secretary and maintain custody of the Town Seal.
- Serves as Notary for the Town
- Direct the preparation, review, and editing of agenda packets and official records for all Town Board of Commissioner meetings; ensure the recording of Town Board of Commissioners meeting actions are accurate and timely.

- Provide and manage the official notification and follow up of Town agenda items including ordinances, resolutions, agreements, deeds, and easements to the public regarding public hearings including legal advertising of notices.
- Respond to request for public records
- Administer municipal elections in accordance with local, state, and federal regulations; and accept, verify and maintain filings from candidates for office.
- Attest, publish, index and file ordinances and resolutions
- Execute official Town documents; administer and file oaths of office and oaths of allegiance.
- Manage and post Council agendas
- Attend, coordinate, and record Council meetings Performs other related duties of the class, as required.
- Others duties as assigned

**Knowledge, Skills, and Abilities:**

- Extensive knowledge of municipal government functions, organization and methods and techniques employed in the operations of town government.
- Extensive knowledge of public procurement principles, practices and procedures.
- Working knowledge of municipal finance administration, including budgeting.
- Working knowledge of all applicable Federal and State laws and regulations, pertinent to municipal government activity.
- Working knowledge of insurance programs in municipal governments, and of implementation of techniques and strategies.

**Skill:**

- Skill in negotiating with others, in order to arrive at acceptable resolutions to problems and to mutual concerns

**Abilities:**

- Ability to establish and maintain harmonious relationships with others, especially citizens, public officials and with other municipal professionals.
- Ability to communicate effectively with others, both orally and in writing.
- Ability to prepare complex technical and statistical reports.
- Ability to manage time effectively while attending to a multitude of details.

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

ORDINANCE: 2024-04  
SESSION: Regular Town Meeting  
INTRODUCED: October 22, 2024  
DATE ENACTED: \_\_\_\_\_, 2024  
EFFECTIVE DATE: \_\_\_\_\_, 2024

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO TO AMEND ALL ORDINANCES PREVIOUSLY ENACTED RELATING TO PROPERTY MAINTENANCE STANDARDS IN THE TOWN OF UPPER MARLBORO, AND TO ENACT THIS ORDINANCE, ORDINANCE 2024-04, ADOPTING PROPERTY MAINTENANCE STANDARDS FOR THE TOWN OF UPPER MARLBORO, AND REPEALING ALL PROVISIONS OF PRIOR TOWN ORDINANCES THAT ARE INCONSISTENT WITH THE PROVISIONS OF THIS ORDINANCE**

**WHEREAS**, MD Code Ann, Local Gov't, § 5-202 authorizes the legislative body of a municipality to adopt ordinances to protect and preserve the municipality's rights, property and privileges and to protect the health, comfort and convenience of the residents of the municipality; and

**WHEREAS**, MD Code Ann., Public Safety, § 12-203 "Minimum Livability Code," requires each political subdivision to adopt by regulation a local housing code that sets minimum maintenance standards for housing within its jurisdiction;and

**WHEREAS**, pursuant to this authority, the Board of Commissioners for the Town of Upper Marlboro enacted various property maintenance standards for the Town; and

**WHEREAS**, the Board of Commissioners for the Town of Upper Marlboro has determined it to be in the best interest of the residents of the Town of Upper Marlboro to adopt the same property maintenance standards as Prince George's County to facilitate the County's assistance with Code enforcement issues, yet to retain some of its own requirements.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO, STATE OF MARYLAND, DOES ORDAIN AND ENACT** a Building and Property Maintenance Code to read as follows:

**BUILDING AND PROPERTY MAINTENANCE CODE**

**ARTICLE I. BUILDING CODE**

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**CAPITALS** : Indicate matter to be added to existing law

**§ 1. ADMINISTRATION.**

**THIS ARTICLE SHALL BE ADMINISTERED AND ENFORCED BY A CODE OFFICIAL, AS DEFINED IN OTHER SECTIONS OF THIS CODE OR OTHER TOWN OFFICIALS AND EMPLOYEES AS DESIGNATED BY THE TOWN MANAGER.**

**§ 2. APPLICABILITY OF AND COMPLIANCE WITH COUNTY BUILDING CODE.**

**THE BUILDING CODE FOR PRINCE GEORGE'S COUNTY, SUBTITLE 4, DIVISION 1, OF THE CODE OF PRINCE GEORGE'S COUNTY, MARYLAND, AS AMENDED FROM TIME TO TIME, SHALL BE THE BUILDING CODE FOR THE TOWN.**

**§ 3. TOWN BUILDING PERMIT REQUIRED.**

**THE TOWN REQUIRES A TOWN BUILDING PERMIT AT ALL TIMES THAT PRINCE GEORGE'S COUNTY REQUIRES A COUNTY BUILDING PERMIT. A PERSON MAY NOT ERECT, RECONSTRUCT, REPAIR, OR REMOVE ANY BUILDING OR STRUCTURE WITHIN THE TOWN EXCEPT IN COMPLIANCE WITH THE BUILDING CODE OF PRINCE GEORGE'S COUNTY AND IN ACCORDANCE WITH BUILDING PERMITS ISSUED BY PRINCE GEORGE'S COUNTY.**

**§ 4. APPLICABILITY OF AND COMPLIANCE WITH CHAPTER.**

**IN ADDITION TO COMPLYING WITH § 3, A PERSON MAY NOT ERECT, CONSTRUCT, RECONSTRUCT, REPAIR, OR REMOVE ANY BUILDING OR STRUCTURE WITHIN THE TOWN FOR WHICH A PRINCE GEORGE'S COUNTY BUILDING PERMIT IS REQUIRED EXCEPT IN COMPLIANCE WITH THIS ARTICLE AND WITH A BUILDING PERMIT FROM THE TOWN ISSUED UNDER THIS ARTICLE.**

**§ 5. PERMIT APPLICATIONS.**

**(A) AFTER A BUILDING PERMIT FOR PROPOSED WORK HAS BEEN ISSUED BY PRINCE GEORGE'S COUNTY, AN OWNER OF A PROPERTY, OR THE OWNER'S AUTHORIZED AGENT, SHALL APPLY FOR A TOWN BUILDING PERMIT BY SUBMITTING AN APPLICATION UPON FORMS FURNISHED BY THE TOWN. EACH APPLICATION SHALL BE SIGNED UNDER PENALTY OF PERJURY THAT THE CONTENTS OF THE APPLICATION ARE TRUE AND CORRECT TO THE BEST OF THE APPLICANT'S KNOWLEDGE, INFORMATION AND BELIEF. EACH APPLICATION SHALL BE ACCOMPANIED BY A COPY OF THE PRINCE GEORGE'S COUNTY PERMIT APPLICATION, BUILDING PERMIT ISSUED BY PRINCE GEORGE'S COUNTY, AN ELECTRONIC AND/OR PHYSICAL COPY OF THE SITE PLAN, AND ALL OTHER PLANS AND SPECIFICATIONS APPROVED BY PRINCE GEORGE'S COUNTY AS PART OF THE COUNTY'S BUILDING PERMIT.**

**WHERE THE APPLICATION IS FOR A BUILDING PERMIT FOR A FENCE, THE APPLICATION SHALL DEMONSTRATE THAT THE PROPOSED FENCE COMPLIES WITH THE REQUIREMENTS OF THE TOWN OF UPPER MARLBORO. THE TOWN MAY WAIVE THE SUBMITTAL OF ALL OR PORTIONS OF OTHER PLANS AND SPECIFICATIONS ON A CASE-BY-CASE BASIS WHEN THE TOWN DETERMINES THAT THESE WILL NOT ASSIST THE TOWN IN DETERMINING WHETHER TO ISSUE A TOWN BUILDING PERMIT. EACH APPLICATION ALSO**

**SHALL BE ACCOMPANIED BY A NON-REFUNDABLE APPLICATION FEE OF \$50.**

**(B) AFTER RECEIVING AN APPLICATION AND APPLICATION FEE, THE TOWN SHALL REVIEW THE APPLICATION, PLANS AND ACCOMPANYING MATERIALS. THE TOWN'S REVIEW OF THE APPLICATION SHALL FOCUS ON THE COMPLETENESS AND ACCURACY OF THE APPLICATION AND ACCOMPANYING MATERIALS, WHETHER THE TOWN CONCURS WITH PRINCE GEORGE'S COUNTY'S APPROVAL OF THE COUNTY BUILDING PERMIT, AND WHETHER THERE ARE ANY TOWN-SPECIFIC REQUIREMENTS THAT MUST BE ADDRESSED. IF THE TOWN DETERMINES THAT A PRINCE GEORGE'S COUNTY BUILDING PERMIT SHOULD NOT HAVE BEEN ISSUED, THE TOWN SHALL IMMEDIATELY NOTIFY PRINCE GEORGE'S COUNTY AND THE APPLICANT.**

**§ 6. ACTION ON PERMIT APPLICATIONS.**

**(A) THE TOWN SHALL REVIEW EACH APPLICATION FOR A TOWN BUILDING PERMIT. AFTER REVIEW OF AN APPLICATION, THE TOWN SHALL NOTIFY THE APPLICANT IN WRITING THAT:**

- (1) THE APPLICATION IS APPROVED AND AVAILABLE FOR ISSUANCE UPON PAYMENT OF THE APPLICABLE PERMIT FEE; OR**
- (2) THE TOWN IS WITHHOLDING APPROVAL OF THE APPLICATION UNTIL THE APPLICANT SUBMITS ADDITIONAL REQUIRED DOCUMENTATION TO THE TOWN; OR**
- (3) THERE ARE APPARENT ERRORS REGARDING PRINCE GEORGE'S COUNTY'S ISSUANCE OF THE COUNTY BUILDING PERMIT THAT THE APPLICANT MUST RESOLVE WITH THE COUNTY BEFORE THE TOWN WILL COMPLETE PROCESSING OF THE TOWN BUILDING PERMIT APPLICATION; OR**
- (4) THE APPLICATION HAS BEEN APPROVED WITH CONDITIONS OR RESTRICTIONS; OR**
- (5) THE APPLICATION HAS BEEN DENIED AND THE REASONS FOR THE DENIAL.**

**§ 7. PERMIT ISSUANCE OR DENIAL.**

**THE TOWN SHALL ISSUE A PERMIT AFTER THE TOWN IS SATISFIED THAT THE APPLICATION IS COMPLETE, ALL REQUIRED APPLICATION MATERIALS HAVE BEEN SUBMITTED, ANY APPARENT ERRORS IN THE ISSUANCE OF THE PRINCE GEORGE'S COUNTY BUILDING PERMIT HAVE BEEN RESOLVED, PROVIDED THAT ALL DELINQUENT FEES AND FINES OWED TO THE TOWN RELATED TO THE PREMISES ARE PAID IN FULL.**

**§ 8. PERMIT FEES.**

**THERE SHALL BE A PERMIT APPLICATION FEE SUBMITTED WITH EACH BUILDING PERMIT APPLICATION. THE FEE SHALL BE ESTABLISHED BY THE BOARD OF COMMISSIONERS BY RESOLUTION**

**§ 9. PERMIT TO BE KEPT POSTED ON PREMISES.**

**A TOWN BUILDING PERMIT SHALL BE KEPT CONSPICUOUSLY DISPLAYED AT A LOCATION VISIBLE FROM THE STREET ON THE PREMISES ON WHICH THE WORK AUTHORIZED BY PERMIT IS BEING PERFORMED UNTIL THE WORK HAS BEEN COMPLETED.**

**§ 10. PERMIT EXPIRATION.**

**A TOWN BUILDING PERMIT SHALL BE VALID FOR SIX (6) MONTHS, STARTING FROM THE DATE CONSTRUCTION BEGINS AND/OR PURSUANT TO THE CONDITIONS OUTLINED IN THE CORRESPONDING PRINCE GEORGE’S COUNTY BUILDING PERMIT.**

**§ 11. PERMITTED CONSTRUCTION HOURS.**

**AUTHORIZED CONSTRUCTION HOURS FOR WORK CONDUCTED UNDER A TOWN BUILDING PERMIT ARE FROM 8 A.M. TO 7 P.M., MONDAYS THROUGH FRIDAYS AND FROM 9 A.M. TO 5 P.M. SATURDAYS AND SUNDAYS, EXCLUDING LEGAL HOLIDAYS. EXCEPTIONS TO THIS REQUIREMENT MAY BE GRANTED BY THE TOWN IN WRITING UPON APPLICATION ON A FORM PROVIDED BY THE TOWN AND UPON A SHOWING OF GOOD CAUSE.**

**§ 12. TOWN INSPECTIONS.**

**(A) THE TOWN PERIODICALLY MAY INSPECT ALL WORK SITES FOR WHICH THE TOWN ISSUED A BUILDING PERMIT. THE PURPOSE OF THE TOWN’S INSPECTIONS IS TO DETERMINE WHETHER A VIOLATION OF THE COUNTY BUILDING CODE MAY EXIST. IF A VIOLATION EXISTS, THE TOWN SHALL PROMPTLY NOTIFY APPROPRIATE PRINCE GEORGE’S COUNTY AUTHORITIES FOR SUCH AUTHORITIES TO TAKE SUCH ACTION AS MAY BE DEEMED APPROPRIATE.**

**(B) THE TOWN ALSO SHALL INSPECT SITES WHERE WORK IS BEING PERFORMED AND FOR WHICH A TOWN BUILDING PERMIT HAS NOT BEEN ISSUED. THE PURPOSE OF THESE INSPECTIONS IS TO DETERMINE WHETHER A TOWN BUILDING PERMIT IS REQUIRED FOR THAT WORK AND WHETHER THE CONDITIONS ARE IN VIOLATION OF ANY OTHER PROVISIONS OF THIS CODE.**

**§ 13. STOP WORK ORDERS.**

**(A) WHENEVER ANY WORK IS BEING DONE IN VIOLATION OF A TOWN ORDINANCE OR CODE PROVISION, WITHOUT A REQUIRED TOWN BUILDING PERMIT OR IN VARIANCE WITH THE TERMS OF ANY TOWN BUILDING PERMIT ISSUED FOR THE WORK, A CODE OFFICIAL MAY ORDER ALL OR A PART OF THE WORK STOPPED UNTIL THE VIOLATION OR VARIANCE IS ELIMINATED AND ANY WORK UNDERTAKEN IN VIOLATION OF THIS CHAPTER OR TOWN BUILDING PERMIT IS CORRECTED. A "STOP WORK" ORDER, IF ORAL, SHALL BE FOLLOWED BY A WRITTEN STOP WORK ORDER WITHIN TWENTY-FOUR (24) HOURS (EXCLUDING SATURDAYS, SUNDAYS, AND HOLIDAYS). A CODE OFFICIAL SHALL POST A COPY OF A WRITTEN “STOP WORK” ORDER ON THE PREMISES OR SITE TO WHICH THE ORDER APPLIES. THE POSTED ORDER SHALL NOT BE REMOVED UNTIL THE TOWN HAS LIFTED IT.**

**(B) A “STOP WORK” ORDER ISSUED BY PRINCE GEORGE’S COUNTY SHALL BE TREATED AS A STOP WORK ORDER ISSUED BY THE TOWN.**

**§ 14. PENALTIES AND ENFORCEMENT.**

**(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, VIOLATIONS OF**



**THIS ARTICLE AND ANY TOWN BUILDING PERMIT ISSUED UNDER THIS ARTICLE ARE DECLARED TO BE MUNICIPAL INFRACTIONS, THE FINE FOR WHICH SHALL BE TWO HUNDRED FIFTY DOLLARS (\$250) FOR EACH OFFENSE. EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE AND REPEAT OFFENSE.**

**(B) UNLAWFUL CONTINUANCE OF WORK IN VIOLATION OF A STOP WORK ORDER ISSUED PURSUANT TO § 15-13 SHALL BE SUBJECT TO A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS (\$1,000).**

**(C) IN ADDITION TO THE PENALTIES SPECIFIED IN SUBSECTIONS (A) AND (B) OF THIS SECTION, THE TOWN MAY ENFORCE THE PROVISIONS OF THIS CHAPTER, AND ABATE VIOLATIONS OF THIS CHAPTER AND ANY PERMIT OR STOP WORK ORDER, BY JUDICIAL PROCEEDINGS FOR INJUNCTION OR OTHER APPROPRIATE CIVIL RELIEF.**

**§ 15 - § 19. RESERVED**

**ARTICLE II. PROPERTY MAINTENANCE STANDARDS**

**§ 20. ADOPTION OF PROPERTY MAINTENANCE STANDARDS BY REFERENCE**

**SUBTITLE 13, HOUSING AND PROPERTY STANDARDS, OF THE PRINCE GEORGE'S COUNTY CODE (“SUBTITLE 13”), DIVISION I “HOUSING CODE” AND DIVISION 7 “PROPERTY STANDARDS AND MAINTENANCE,” AS THEY MAY FROM TIME TO TIME BE AMENDED, ARE HEREBY ADOPTED BY THE TOWN AS THE HOUSING AND PROPERTY STANDARDS CODE OF THE TOWN OF UPPER MARLBORO, MARYLAND, AS IF SET OUT IN FULL HEREIN. ALL OF THE POWERS, RIGHTS AND REQUIREMENTS OF COMPLIANCE IN SUBTITLE 13, DIVISIONS 1 AND 7 NOT IN CONFLICT WITH TOWN CHARTER, THIS CODE, OR TOWN REGULATIONS, MAY BE EXERCISED BY THE TOWN. HOWEVER, ALL REFERENCES IN CHAPTER 13 OF THE COUNTY CODE (OR THE INTERNATIONAL PROPERTY MAINTENANCE CODE WHICH THE COUNTY CODE CURRENTLY INCORPORATES) TO THE APPOINTMENT, DISCIPLINE, EMPLOYMENT AND TERMINATION OF ANY PROPERTY OR CODE ENFORCEMENT PERSONNEL OR TO A BOARD OF APPEALS SHALL NOT BE EFFECTIVE IN THE TOWN. IN THE EVENT OF A CONFLICT BETWEEN SUBTITLE 13, DIVISION 1 AND/OR DIVISION 7 AND ANY PROVISION OF A TOWN ORDINANCE OR CODE, SUCH CONFLICT SHALL BE RESOLVED IN FAVOR OF THE PROVISION THAT ESTABLISHES THE HIGHER STANDARD FOR THE PROMOTION AND PROTECTION OF THE HEALTH AND SAFETY OF THE PEOPLE.**

**§ 21. APPOINTMENT OF THE TOWN CODE OFFICIAL**

**THE CODE OFFICIAL SHALL BE THE CHIEF OF POLICE, THE CHIEF’S DESIGNEE OR ANY CODE ENFORCEMENT OFFICER OF THE TOWN.**

**§ 22. NOTICES AND ORDERS**

**A. NOTICE TO PERSON RESPONSIBLE. WHENEVER THE CODE OFFICIAL DETERMINES THAT THERE HAS BEEN A VIOLATION OF THIS CODE OR HAS GROUNDS TO BELIEVE THAT A VIOLATION HAS OCCURRED, NOTICE SHALL BE GIVEN IN THE MANNER PRESCRIBED IN §§ B AND C, IMMEDIATELY BELOW, TO THE**

**PERSON RESPONSIBLE FOR THE VIOLATION AS SPECIFIED IN THIS CODE. NOTICES FOR CONDEMNATION PROCEDURES SHALL ALSO COMPLY WITH § 68-2(C).**

**B. SUCH NOTICE PRESCRIBED IN § A SHALL BE IN ACCORDANCE WITH ALL OF THE FOLLOWING:**

- (1) BE IN WRITING.**
- (2) INCLUDE A DESCRIPTION OF THE REAL ESTATE SUFFICIENT FOR IDENTIFICATION.**
- (3) INCLUDE A STATEMENT OF THE VIOLATION OR VIOLATIONS, WHY THE NOTICE IS BEING ISSUED AND THE DAY AND TIME THE VIOLATION WAS DISCOVERED.**
- (4) INCLUDE A CORRECTION ORDER ALLOWING A REASONABLE TIME TO MAKE THE REPAIRS AND IMPROVEMENTS REQUIRED TO BRING THE DWELLING UNIT OR STRUCTURE INTO COMPLIANCE WITH THE PROVISIONS OF THIS CODE.**
- (5) INFORM THE PROPERTY OWNER OF THE RIGHT TO APPEAL.**
- (6) INCLUDE A STATEMENT OF THE RIGHT OF THE TOWN TO FILE A TAX LIEN.**

**C. METHOD OF SERVICE. SUCH NOTICE SHALL BE DEEMED TO BE PROPERLY SERVED IF A COPY THEREOF IS:**

- (1) DELIVERED PERSONALLY TO THE TENANT IF ANY, AND TO THE OWNER OF RECORD; OR**
- (2) SENT BY CERTIFIED MAIL ADDRESSED TO THE LAST KNOWN ADDRESS OF THE OWNER AND THE TENANT, IF ANY, SO LONG AS A COPY THEREOF SHALL BE POSTED IN A CONSPICUOUS PLACE OR ABOUT THE STRUCTURE AFFECTED BY SUCH NOTICE.**

**D. PENALTIES. PENALTIES FOR NONCOMPLIANCE WITH ORDERS AND NOTICES SHALL BE AS SET FORTH IN SECTION 23.**

**E. TRANSFER OF OWNERSHIP. IT SHALL BE UNLAWFUL FOR THE OWNER OF ANY DWELLING UNIT OR STRUCTURE WHO HAS RECEIVED A COMPLIANCE ORDER OR UPON WHOM A NOTICE OF VIOLATION HAS BEEN SERVED TO SELL, TRANSFER, MORTGAGE, LEASE OR OTHERWISE DISPOSE OF SUCH DWELLING UNIT OR STRUCTURE TO ANOTHER UNTIL THE PROVISIONS OF THE COMPLIANCE ORDER OR NOTICE OF VIOLATION HAVE BEEN COMPLIED WITH, OR UNTIL SUCH OWNER SHALL FIRST FURNISH THE GRANTEE, TRANSFEREE, MORTGAGEE OR LESSEE A TRUE COPY OF ANY COMPLIANCE ORDER OR NOTICE OF VIOLATION ISSUED BY THE CODE OFFICIAL AND SHALL FURNISH TO THE CODE OFFICIAL A SIGNED AND NOTARIZED STATEMENT FROM THE GRANTEE, TRANSFEREE, MORTGAGEE OR LESSEE, ACKNOWLEDGING THE RECEIPT OF SUCH COMPLIANCE ORDER OR NOTICE OF VIOLATION AND FULLY ACCEPTING THE RESPONSIBILITY WITHOUT CONDITION FOR MAKING THE CORRECTIONS OR REPAIRS REQUIRED BY SUCH COMPLIANCE ORDER OR NOTICE OF VIOLATION.**

§ 23. PENALTIES AND ENFORCEMENT.

(A) VIOLATIONS OF THIS ARTICLE ARE DECLARED TO BE MUNICIPAL INFRACTIONS, THE FINE FOR WHICH SHALL BE FIFTY DOLLARS (\$50) FOR THE FIRST OFFENSE AND ONE HUNDRED DOLLARS (\$100) FOR EACH SUBSEQUENT VIOLATION. EACH DAY A VIOLATION CONTINUES IS A SEPARATE AND REPEAT OFFENSE.

(B) IN ADDITION TO THE PENALTIES SPECIFIED ABOVE, THE TOWN MAY ENFORCE THE PROVISIONS OF THIS ARTICLE, AND ABATE VIOLATIONS OF THIS CHAPTER , BY JUDICIAL PROCEEDINGS FOR INJUNCTION OR OTHER APPROPRIATE CIVIL RELIEF.

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall operate to repeal those Town Ordinances previously adopted that are inconsistent with the amended provision

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that should any part of this Ordinance be held invalid, all remaining parts shall remain in effect.

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that pursuant to the Town Charter, this Ordinance shall be posted inthe Town office and a fair summary of it shall be published once in a newspaper of general circulation inthe Town and effective 20 days after passage by the Board.

AYES: \_\_\_\_\_ NAYES: \_\_\_\_\_ ABSENT: \_\_\_\_\_

INTRODUCED in a public session of the Board of Commissioners on this \_\_\_\_\_ day of September, 2024.

ORDAINED, APPROVED, AND finally passed by the Board of Commissioners of the Town of Upper Marlboro, Maryland on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by:

Attest:

THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, MARYLAND

\_\_\_\_\_  
Clayton Anderson, Town Administrator

\_\_\_\_\_  
Sarah Franklin, President

\_\_\_\_\_  
Derrick Brooks, Commissioner

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Charles Colbert, Commissioner

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Karen Lott, Commissioner

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Alma Prevatte, Commissioner

Reviewed and Approved for Legal Sufficiency

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Karen Ruff, Esq., Town Attorney

Date: \_\_\_\_\_

DRAFT

CHARTER  
OF THE  
**Town of Upper Marlboro**  
PRINCE GEORGE'S COUNTY, MARYLAND

(Reprinted November 2018)

# UPPER MARLBORO

[Corporate Name]

## Section 82-1.

The inhabitants of the town of Upper Marlboro are hereby continued a body corporate and a municipal corporation by the name of “The Town of Upper Marlboro” with all of the privileges thereof, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal and to have perpetual succession.

## Corporate Limits

### Section 82-2. The corporate limits of the Town shall be as follows:

Commencing at the mouth of the Federal Spring Branch at its confluence with the Western Branch and running down with the meanders of the Western Branch on the south side thereof, and exclusive of said branch, to the stream beyond James B. Belt’s meadow; then up and with said stream to the small bridge culvert on the road from Upper Marlboro to Rosaryville, back of the former residence of A. S. Brooke; then in an air or direct line across the land of Frederick Sasscer to the Federal Spring Branch at a point which will throw into the corporation all the land formerly purchased by Thomas E. Williams and C. C. Magruder, Jr., of the trustees of D. Benedict J. Gardiner; then down and with the meanders of said Federal Spring Branch on the south side thereof, and exclusive of said branch to its mouth, the beginning point aforesaid.

## The Board of Commissioners

### Section 82-3. (Number, Selection, Term).

All legislative powers of the Town shall be vested in a Board of Commissioners consisting of three Commissioners who shall be elected as hereinafter provided and who shall hold office for a term of two years and until the succeeding Board takes office. The regular term of the Commissioners shall expire on the first Monday following the election of their successors. The Commissioners holding office at the time this charter becomes effective shall continue to hold office for the term for which they were elected and until the succeeding Board takes office under the provisions of this charter.

### Section 82-4. (Qualification of Commissioners).

Commissioners shall have resided in the Town for at least two years immediately preceding their election, shall be qualified voters of the Town, and shall be at least 25 years of age. If, at any time such person shall remove from the town, his or her office shall automatically become vacant. (Res. No. 2-01, 9/26/01.)

Section 82–5. (Salary of Commissioners).

Each Commissioner shall receive an annual salary which shall be equal for all Commissioners and shall be as specified from time to time by an ordinance passed by the Board in the regular course of its business, provided, however, that the salary specified at the time any Board takes office shall not be changed during the period for which that Board was elected. The ordinance making any change in the salary paid to the several Commissioners, either by way of increase or decrease, shall be finally ordained prior to the general election for the members of the next succeeding Board and shall take effect only as to the members of the next succeeding Board.

Section 82–6. (Meetings of the Board).

The newly elected Board shall meet at 8:00 p.m. on the first Monday following its election for the purpose of organization, 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. (Res. No. 1–2008, 1–07–09.)

Section 82–7. (Board to be the Judge of Qualifications of it [its] Members).

The Board shall be the judge of the election and qualification of its members.

Section 82–8. (Quorum).

A majority of the members of the Board shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any other action taken without the favorable votes of a majority of the whole number of members elected to the Board.

Section 82–9. (Procedure of Board).

The Board shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution, or ordinance, or at any other time if required by any one member. The journal shall be open to public inspection.

Section 82–10. (Vacancies in Board).

Vacancies in the Board shall be filled as provided in Section 82–32 of this charter.

Section 82–11. (Ordinances).

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Board of Commissioners held not less than six nor more than sixty days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In cases of emergency, the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by unanimous vote of the Board of Commissioners. Every ordinance, unless it is passed as an emergency ordinance, shall become effective at the expiration of twenty (20) calendar days following approval of the Board of Commissioners. Each ordinance shall be posted in the Town office, and each ordinance, or a fair summary thereof, shall be published at least once, in a newspaper of general circulation in the Town. (Res. 5-77, 9/22/77.)

Section 82-12. (File of Ordinances).

The complete text of each and every ordinance and resolution passed by the Board shall be permanently filed by the clerk and shall be kept available for public inspection.

**The President**

Section 82-13. (Selection).

At their organizational meeting, a majority of the Commissioners shall elect one of their members President. The President shall preside at all meetings of the Board in accordance with the accepted rules of parliamentary [parliamentary] procedure, except that he may vote on any question before the Board.

Section 82-14. (Salary of the President).

The President may receive an annual salary in addition to that received as a Commissioner, as set from time to time by an ordinance passed by the Board in the regular course of business. Provided, however, that no change shall be made in the salary for any president during the term for which he was elected. The ordinance making any change in the salary paid to the President, either by way of increase or decrease, shall be finally ordained prior to the general election to elect the next succeeding Board, and shall take effect only as to the next succeeding President.

Section 82-15. (Powers and Duties).

(a) The President shall see that the ordinances of the Town are faithfully executed and shall be the chief executive officer and the head of the administrative branch of the Town government.

(b) The president, with the approval of the Board, shall appoint the heads of all offices, departments, and agencies of the Town government as established by this charter or by ordinance. All office, department, and agency heads shall serve at the pleasure of the President.



All subordinate officers and employees of the offices, departments, and agencies of the Town government shall be appointed and removed by the President, in accordance with rules and regulations in any merit system which may be adopted by the Board.

(c) The President each year shall report to the Board the condition of municipal affairs and make such recommendations as he deems proper for the public good and the welfare of the Town.

(d) The President shall have complete supervision over the financial administration of the Town government. He shall prepare or have prepared annually a budget and submit it to the Board. He shall supervise the administration of the budget as adopted by the Board. He shall supervise the disbursement of all monies and have control over all expenditures to assure that budget appropriation are not exceeded.

(e) The President shall have such other powers and perform such other duties as may be prescribed by this charter or as may be required of him by the Board, not inconsistent with this charter.

## General Powers

### Section 82-16.

(1) *(General Powers)*. The Board shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights, and privileges; 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.

(2) *(Specific Powers)*. The Board shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the following specific purposes:

(a) *(Advertising)*. To provide for advertising for the purposes of the Town, for printing and publishing statements as to the business of the Town.

(b) *(Aisles)*. To regulate and prevent the obstruction of aisles in public halls, churches and place of amusement, and to regulate the construction and operation of the doors and means of egress therefrom.

(c) *(Amusements)*. To provide in the interest of the public welfare for licensing, regulating, or restraining theatrical or other public amusements.