

The Town of Upper Marlboro

CHARTER AMENDMENT RESOLUTION NO. __-2025

**A CHARTER AMENDMENT RESOLUTION
OF THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO,
MARYLAND, AMENDING VARIOUS SECTIONS, OF THE CHARTER OF THE
TOWN OF UPPER MARLBORO TO MODERNIZE THE CHARTER BY UPDATING
STATE LAW REFERENCES, TO USE GENDER NEUTRAL LANGUAGE, AND TO
MAKE OTHER NONSUBSTANTIVE AMENDMENTS**

WHEREAS, Article XI-E, § 4 of the Constitution of Maryland and Local Government Article, §4-301, *et seq.* of the Annotated Code of Maryland, authorize the Board of Commissioners to amend the Charter of the Town of Upper Marlboro and provide the process and procedures for doing so; and

WHEREAS, various sections of the Town Charter contain references to provisions of State law that have been repealed or amended and contain gender specific language; and

WHEREAS, the Board wishes to update the Town Charter to include references to current provisions of State law and to include gender neutral references; and

WHEREAS, the Board of Commissioners finds that the Town would benefit from enacting this Charter amendment to update the provisions of the Charter to provide for correct references to State law and gender-neutral references.

Section 1. NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, that Registration, Candidates and Elections, Section 82-24 (Registration) of the Charter of the Town of Upper Marlboro, Maryland shall be and hereby is amended to read as follows:

Registration, Candidates and Elections

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Section 82–24. ~~[[()]]Registration[[()]]~~.

Registration with the Prince George’s County Board of Elections by a ~~[[voter]]~~ **PERSON** who resides in the corporate limits of the Town and whose address is reflected on the ~~[[rolls]]~~

CAPS	: Indicate matter added to existing law.
[[Brackets]]	: Indicate matter deleted from law.
***	: Indicate matter retained but not restated in this Resolution
Strikethrough	: Indicates language deleted from the Resolution after introduction.
<u>Underlining</u>	: Indicates language added to the Resolution after introduction.

VOTER REGISTRATION LIST as a Town resident shall be deemed ~~[[registration]]~~ registered for ~~[[the]]~~ Town elections. A person continues to have the choice to register only with the Town for its elections and not to register with the Prince George's County Board of Elections. Persons desiring to register only with the Town may register at Town Hall during normal ~~[[working]]~~ **BUSINESS** hours ~~[[daily]]~~; or upon request, may receive an application by mail. Registration shall be permanent, and no person shall be entitled to vote in Town elections unless they are registered to vote with the Board of Supervisors upon the supplemental municipal voter registry maintained by the Town at least ten (10) days prior to the election or with the Prince George's County Board of Elections in accordance with state law. It shall be the duty of the Board of Supervisors of Elections to keep the registration ~~[[lists]]~~ **LIST** up to date by striking from the ~~[[lists]]~~ **LIST** persons known to have died, to have moved out of the Town, or who have become otherwise disqualified by the Board of Supervisors or The County Board of Elections. An individual is not qualified to be a registered voter under state law and this charter if the individual ~~[[shall have]]~~ **HAS** been convicted of a disqualifying crime or ~~[[be]]~~ **IS** under guardianship for mental disability as provided in Section 3-102(b) of the Election Article of the Annotated Code of Maryland, AS AMENDED FROM TIME TO TIME. The Board of Commissioners is hereby authorized and directed, by ordinance, to adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and to provide for a re-registration, when necessary.

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Section 2. NOW, THEREFORE, BE IT HEREBY FURTHER RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, that Finance, Section 82-49 (When Taxes are Overdue) and Section 82-51 (Fees) of the Charter of the Town of Upper Marlboro, Maryland shall be and hereby are amended to read as follows:

Finance

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Section 82-49. ~~[[d]]When Taxes are Overdue[[d]]~~.

Ordinary Town taxes shall be due and payable on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at the rate of 1/2 of one per cent per month or fraction thereof until paid and in addition thereto, there shall be a penalty imposed for failure to make payment by or after that day of 1/2 of 1% for each month or fraction thereof until paid. All taxes not paid and in arrears after the first day of the following January may be collected as provided in Section 82-50 hereof or may be collected ~~[[by action of assumpsit]]~~ as provided in ~~[[Section 206 to 211, inclusive, of Article 81]]~~ **TITLE 14, SUBTITLE 8 OF THE TAX-PROPERTY ARTICLE** of the Annotated Code of Maryland (1957 Edition), **AS AMENDED FROM TIME TO TIME.**

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Section 82–51. (Fees).

All fees received by an officer or employee of the Town government in [[his]] **THEIR** official capacity shall belong to the Town government and be accounted for to the Town.

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Section 3. NOW, THEREFORE, BE IT HEREBY FURTHER RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, that Public Ways and Sidewalks, Section 82-63 (Control of Public Ways) of the Charter of the Town of Upper Marlboro, Maryland shall be and hereby is amended to read as follows:

Public Ways and Sidewalks

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Section 82–63. (Control of Public Ways).

The Town shall have control of all public ways in the Town except such as may be under the jurisdiction of the [[Maryland]] State OF MARYLAND [[Roads Commission]] or the County Commissioners for Prince George’s County. Subject to the laws of the State of Maryland and this Charter, the Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town.

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Section 4. NOW, THEREFORE, BE IT HEREBY FURTHER RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, that Water and Sewers, Section 82-75 (Right of Entry) of the Charter of the Town of Upper Marlboro, Maryland shall be and hereby is amended to read as follows:

Water and Sewers

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Section 82–75. (Right of Entry).

Any employee or agent of the Town, while in the necessary pursuit of [[his]] **THEIR** official duties with regard to the water or sewage disposal systems operated by the Town, shall have the right of entry, for access to water or sewer installations, at all reasonable hours, and after reasonable advance notice to the owner, tenant, or person in possession, upon any premises and into any building in the Town or in the County served by the Town’s water or sewage disposal system. Any restraint or hindrance offered to such entry by any owner, tenant, or person in possession, or the agent of any of them, shall be a misdemeanor.

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Section 5. NOW, THEREFORE, BE IT HEREBY FURTHER RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, that Town Property, Section 82-82 (Condemnation) of the Charter of the Town of Upper Marlboro, Maryland shall be and hereby is amended to read as follows:

Town Property

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Section 82–82. [[(C)Condemnation(C)].

The Town shall have the power to condemn any interest in property or franchise connected therewith, in fee or as an easement, within the corporate limits of the Town, for any public purpose. Any activity, project, or improvement authorized by the provisions of this Charter or by any State law applicable to the Town shall be deemed to be a public purpose. The [[manner of]] procedure in **THE** case of any condemnation proceeding shall be that established in [[Article 33A of the Annotated Code of the Public General Laws of Maryland (1957 Edition, as amended), title “Eminent Domain”]] **TITLE 12, CHAPTER 200 OF THE MARYLAND RULES.**

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Section 6. BE IT FURTHER RESOLVED that the Board finds that in addition to the other procedural charter adoption provisions found in State law, that it has held a public hearing and given at least 21-days’ notice by posting the notice in a public place before adopting this resolution proposing to amend the municipal charter.

Section 7. BE IT FURTHER RESOLVED that this Charter Amendment Resolution is adopted on the aforementioned date, and that upon adoption by the Board of Commissions of The Town of Upper Marlboro, Maryland a complete and exact copy of this Charter Amendment Resolution shall be posted in the Town Office for a period of at least forty (40) days following the date of its adoption. Additionally, a fair summary of the proposed Amendment shall be published in a newspaper of general circulation in The Town of Upper Marlboro for no less than four (4) times at weekly intervals within the forty (40) days following the adoption of this Charter Amendment Resolution.

Section 8. BE IT FURTHER RESOLVED that the Amendment initiated in this Charter Amendment Resolution shall take effect and shall become and be considered the Charter of The

Town of Upper Marlboro, upon the fiftieth day after being so ordained or passed unless on or before the fortieth day after being so adopted and passed a referendum petition meeting the requirements of State law shall be presented to the Board of Commissioners of The Town of Upper Marlboro, Maryland or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service.

Section 9. **BE IT FURTHER RESOLVED** that when the Charter Amendment hereby initiated becomes effective, as provided herein, or following a referendum election, the Town Clerk, or in the absence of a Town Clerk, the Town Administrator, shall send separately, by certified mail, return receipt requested, to the Department of Legislative Services within 10 days after the charter resolution becomes effective, the following information concerning the Charter Amendment: (i) the complete text of this Charter Amendment Resolution; (ii) the date of the referendum election, if any held with respect thereto; (iii) the number of votes cast for and against this Charter Amendment Resolution by the Board of Commissioners of The Town of Upper Marlboro, Maryland or a referendum election; and (iv) the effective date of the Charter Amendment.

Section 10. **BE IT FURTHER RESOLVED** that the Town Clerk of the Town of Upper Marlboro, or in the absence of a Town Clerk, the Town Administrator, is specifically instructed to carry out the provisions of Sections 2, 3, 4 and 5 hereof, as evidence of compliance herewith, the Town Clerk, or in the absence of a Town Clerk, the Town Administrator, shall cause to be affixed to this Charter Amendment Resolution and to the Minutes of the Board of Commissioners Meeting in which it is adopted (i) an appropriate certificate of publication of the newspaper in which the summary of the Charter Amendment Resolution shall have been published and (ii) return receipts of the mailing referred to in Section 5, and shall further complete and execute the Certificate of Effect attached hereto.

INTRODUCED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on the ____ day of _____, 2025.

PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on the ____ day of _____, 2025

ATTEST:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

Clayton Anderson, Town Administrator

Sarah Franklin, President

Karen Lott, Commissioner

Charles Colbert, Commissioner

Derrick Brooks, Commissioner

Joseph Hourclé, Commissioner

CHARTER RESOLUTION CERTIFICATE

I, _____, the duly appointed, and qualified Town Manager of the Town of Upper Marlboro, a municipal corporation of the State of Maryland do hereby certify that (i) the attached copy of the Charter Amendment Resolution __-2025 is true, correct and complete; (ii) Charter Amendment Resolution __-2025 was duly adopted by the Board of Commissioners of the Town of Upper Marlboro at a regular meeting held on the ____ day of _____, 2025; (iii) said meeting was duly convened and a quorum was present and acting throughout; (iv) Charter Amendment Resolution __-2025, after having been introduced and fully discussed, was duly adopted, by a majority of Commissioners elected to the body and voting in the affirmative; and (v) Charter Amendment Resolution __-2025 has not been subsequently amended, modified or repealed and remains in full force and effect as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Upper Marlboro this ____ day of _____, 2025.

(SEAL)

_____, Town Administrator

The Town of Upper Marlboro