

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.