

BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO

ORDINANCE: 2025-06

SESSION:

INTRODUCED:

**AN EMERGENCY ORDINANCE OF THE BOARD OF COMMISSIONERS
FOR THE TOWN OF UPPER MARLBORO REPEALING THE TOWN CODE AND RE-
ENACTING IT AS SET FORTH IN ATTACHMENT A HERETO; PROVIDING FOR
THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN;
PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE
MANNER OF AMENDING SUCH CODE; SPECIFYING WHEN SUCH CODE AND
THIS ORDINANCE SHALL BECOME EFFECTIVE; AND AUTHORIZING THE
PUBLICATION AND UPDATING OF THE CODE AND TOWN CHARTER, AS THEY
ARE AMENDED**

WHEREAS, the Town of Upper Marlboro (“the Town”) is a municipal corporation of the State of Maryland; and

WHEREAS, pursuant to the Md. Code Ann., Local Gov’t, Subtitle 2, “Express Law Making Powers”, the Board of Commissioners of the Town is authorized to adopt ordinances to, among other things:

- (1) assure the good government of the municipality;
- (2) protect and preserve the municipality's rights, property, and privileges;
- (3) preserve peace and good order;
- (4) secure persons and property from danger and destruction; and
- (5) protect the health, comfort, and convenience of the residents of the municipality; and

WHEREAS, pursuant to Md. Code Ann., Local Gov’t, § 5-205(c)(4) and Town Charter, § 82-16(2)(k) the Town may provide for the codification and publication of its laws, ordinances, resolutions, and regulations; and

WHEREAS, pursuant to the aforementioned authority and additional ordinance-making authority set forth in the Annotated Code of Maryland, the Town has adopted ordinances over the years which, with the assistance of a codification service, it codified via Ordinance 2023-07, adopted on September 26, 2023; and

WHEREAS, upon adoption of Ordinance 2023-07, the codifier brought to the Town’s attention that there were some issues with the codification that should be addressed; and

WHEREAS, the Board of Town Commissioners (“the Commissioners”) desires to address those issues, to update the codification to include all appropriate ordinances adopted by the

Commissioners between September 26, 2023 and December 17, 2024, and to correct inconsistencies in Chapter 8, "Elections", prior to the November 11, 2025 Town election; and

WHEREAS, it is the Commissioners' intent to adopt the Code of Ordinances of the Town attached hereto as Attachment A, consisting of Part 1, the Town Charter, and Part II, the Code of Ordinances, in place of the Code existing prior to this adoption, with the limited exception set forth herein, and to provide for the continuous publication, updating, and maintenance of the Code of Ordinances and Town Charter; and

WHEREAS, Town Charter, § 82-11 states that "[n]o ordinance shall be passed at the meeting at which it is introduced," except that "[i]n 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;" and

WHEREAS, emergency ordinances do not have to wait twenty calendar days to become effective; and

WHEREAS, the Commissioners believe it is necessary to expedite the adoption and effective date of this ordinance to ensure that the clarifications contained in Chapter 8, "Election", are effective prior to election day, November 11, 2025.

Section 1. **NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF TOWN COMMISSIONERS** that the codification of the general and permanent ordinances contained in the Code entitled "Code of Ordinances of the Town of Upper Marlboro, Maryland," to read as set forth in Attachment A hereto and incorporated herein by this reference, is hereby adopted.

Section 2. **BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF TOWN COMMISSIONERS** that all ordinances of a general and permanent nature enacted on or before December 17, 2024, and not included in Attachment A or recognized and continued in force by reference therein, are repealed, saving and excepting all ordinances relating to the topic of personnel, which will be codified as a chapter of the Code at a later date. The repeal provided for in this section shall not revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 3. **BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF TOWN COMMISSIONERS** that, unless declared by State law or Town ordinance to be a misdemeanor, each violation of the Code is a municipal infraction punishable unless otherwise stated by a fine of \$5,000.00. Except as otherwise provided, a violation of the Code that is a misdemeanor shall be punished by a fine not to exceed \$5,000.00, imprisonment for not to exceed six months, or both such fine and imprisonment. Except as otherwise provided by law or ordinance: (i) With respect

to violations of the Code that are continuous with respect to time, each day that the violation continues is a separate offense; and (ii) With respect to violations of the Code that are not continuous with respect to time, each act constitutes a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the town may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 4. **BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF TOWN COMMISSIONERS** that additions or amendments to the Code when passed in such form as to indicate the intention to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 5. **BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF TOWN COMMISSIONERS** that Ordinances adopted after the date specified in section 2 hereof that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 6. **BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF TOWN COMMISSIONERS** that this Ordinance shall be posted in the Town office and this Ordinance, or a fair summary thereof, shall be published at least once in a newspaper of general circulation in the Town.

Section 7. **BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF TOWN COMMISSIONERS** that if any provision, section or part of a section of this Ordinance shall be held invalid by a court of competent jurisdiction, the remainder of the terms, provisions, covenants and restrictions set forth herein shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

Section 8. **BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF TOWN COMMISSIONERS** that due to exigent circumstances and important governmental interests as set forth hereinabove, in order to assist in the conduct of the November 2025 Town election and the dissemination of required materials, the Charter provision requiring that an ordinance may not be passed at the meeting at which it is introduced is hereby suspended by unanimous vote of the Commissioners, and that this Emergency Ordinance shall become effective immediately following approval by the Commissioners.

INTRODUCED AND ADOPTED in a public session of the Board of Town Commissioners on this 23rd day of September, 2025.

THE BOARD OF COMMISSIONERS OF THE
TOWN OF UPPER MARLBORO

Telaya Bush, Town Clerk

Sarah Franklin, President

Derrick Brooks, Commissioner

Charles Colbert, Commissioner

Karen Lott, Commissioner

Joseph Hourcle, Commissioner

CERTIFICATION

I hereby certify, as the duly appointed Town Clerk of the Town of Upper Marlboro, Maryland, that on the _____ day of September, 2025, with ____ aye votes and ____ nay votes, Ordinance No. 2025-____ was adopted.

Telaya Bush, Town Clerk