

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

ORDINANCE: 2025-02
SESSION: Regular Town Meeting
INTRODUCED: April 22, 2025
DATE ENACTED: May ___, 2025
EFFECTIVE DATE: _____, 2025

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS FOR THE
TOWN OF UPPER MARLBORO AMENDING ORDINANCE 2022-05 (VACANT BUILDINGS
AND LOTS) TO CLARIFY TO WHICH VACANT LOTS ORDINANCE 2022-05 APPLIES**

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, pursuant to Local Gov't, § 5-205(d) the Board of Commissioners of the Town of Upper Marlboro may establish and collect reasonable fees and charges for Town licenses and permits, or associated with the exercise of a governmental or proprietary function by the Town, and may provide that any valid charge, tax, or assessment made against real property in the municipality is a lien on the property to be collected in the same manner as municipal taxes; and

WHEREAS, pursuant to this authority, the Board of Commissioners for the Town of Upper Marlboro enacted Ordinance 2022-05 (Vacant Buildings and Lots), an ordinance requiring the owners of certain vacant buildings and lots to register them, along with a local agent, and providing for all matters generally relating to the taxation, licensing and registration of vacant buildings and lots; and

WHEREAS, it has come to the attention of the Board of Commissioners for the Town of Upper Marlboro that the provisions of Ordinance 2022-05 might be interpreted to apply to properties to which it was never intended to apply, that is residentially zoned properties when the owner owns more than one contiguous and adjacent lot and the residence is located on one lot, provided that the building is occupied; and

WHEREAS, the Board of Commissioners of the Town of Upper Marlboro desires to amend Ordinance 2022-05 to clarify that it was not the intention of the Board of Commissioners that these types of properties be subject to the vacant building/lot ordinance.

CAPITALS: Indicate language to be added to existing law (Ordinance 2022-05).

***** Asterisks:** Indicate language in Ordinance 2022-05 that remains unchanged and is not reproduced herein.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO, STATE OF MARYLAND, DOES ORDAIN AND ENACT an amendment to Ordinance 2022-05 (Vacant Buildings and Lot), Part 1 - Vacant Property Registration Program, Section 1. Vacant Property Registration, B. Definitions to read as follows:

§ 1. Vacant Property Registration.

B. Definitions.

For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as follows:

Lot means an area of land designated as a separate parcel or unit of land on a legally recorded subdivision plat or deed filed among the land records of Prince George's County and assigned a property tax account identification number that is assigned to one or more such units or parcels of land.

Vacant lot means a lot without a building or other valid and approved improvement which has an assessed value for taxation purposes as determined by the State of Maryland, Department of Assessments and Taxation. **FOR PURPOSES OF THIS ORDINANCE, A VACANT LOT DOES NOT INCLUDE A LOT THAT:**

- 1. IS AN INDIVIDUALLY ASSESSED PARCEL OR UNIT OF LAND,**
- 2. IS ZONED FOR RESIDENTIAL USE (IE. IS NOT ZONED COMMERCIAL OR INDUSTRIAL),**
- 3. IS CONTIGUOUS TO A LOT OR LOTS IN COMMON OWNERSHIP THAT ARE ALSO ZONED FOR RESIDENTIAL USE,**
- 4. ONE OF THE LOTS IN COMMON OWNERSHIP IS IMPROVED WITH A HOUSE IN WHICH THE OWNER(S) OR A TENANT RESIDES, AND**
- 5. THE LOT FUNCTIONS AS A FRONT, SIDE OR REAR YARD TO THE LOT ON WHICH THE HOUSE IS LOCATED.**

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that to the extent that any prior ordinance or provision thereof, may irreconcilably conflict with any provision of this Ordinance, this Ordinance shall operate to repeal those Town Ordinances or portions thereof, previously adopted that are inconsistent with the provisions of this Ordinance.

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.

CAPITALS: Indicate language to be added to existing law (Ordinance 2022-05).

***** Asterisks:** Indicate language in Ordinance 2022-05 that remains unchanged and is not reproduced herein.

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 in the Town office and a fair summary of it shall be published once in a newspaper of general circulation in the Town and shall become 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 April, 2025.

ORDAINED, APPROVED, AND passed by the Board of Commissioners of the Town of Upper Marlboro, Maryland on this ____ day of May, 2025, by:

Attest:

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

Clayton Anderson, Town Administrator

Sarah Franklin, President

Derrick Brooks, Commissioner

Charles Colbert, Commissioner

Karen Lott, Commissioner

Reviewed and Approved for Legal Sufficiency

Karen Ruff, Esq., Town Attorney

Date: _____

CAPITALS: Indicate language to be added to existing law (Ordinance 2022-05).

***** Asterisks:** Indicate language in Ordinance 2022-05 that remains unchanged and is not reproduced herein.