

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

ORDINANCE: 2023-07
SESSION: Regular Town Meeting
INTRODUCED: July 25, 2023

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF UPPER MARLBORO, PRINCE GEORGE'S COUNTY, STATE OF MARYLAND; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN AND OTHER PROVISIONS OF GENERAL AND SPECIFIC SUBJECT MATTER FOUND THEREIN; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

WHEREAS, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the Town of Upper Marlboro (hereinafter, the “Town”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality and to promote the good government of the Town; and

WHEREAS, the Town is a municipal corporation of the State of Maryland, organized and operating under a Charter (2021 Replacement Edition as published in the *Compilation of Municipal Charters* and prepared by the Department of Legislative Services General Assembly of Maryland), as amended, pursuant to the authority of Article XI-E, § 4 of the Constitution of the State of Maryland and Md. Code Ann., Division II (Municipalities) of the Local Government Article; and

WHEREAS, pursuant to §5-205(c) of the LG Article, Annotated Code of Maryland, and §82-16(2)(k) of the Town Charter, the Town is empowered to provide for the codification of all ordinances and resolutions which have been or may hereafter be passed; and

WHEREAS, pursuant to §4-110 of the LG Article, for the purpose of providing ready access to a current compilation of the municipal corporation’s ordinances, each municipal corporation in the State shall provide annually (if the municipal corporation during the past year has enacted any ordinances appropriate for codification) for the editing, preparation, publication, and sale or other distribution of a supplement to its most recent code of ordinances, or of a new edition of the code; and

WHEREAS, the Town Board of Commissioners has previously engaged a professional codification services company (CivicPlus LLC/Municode) to assist the Town in continuously publishing, updating, organizing and maintaining its Code of Ordinances and Town Charter so that public officials, the courts, government agencies, residents, property owners and the general public have readily available and accessible for their use on-line or in printed, hard copy format, an accurate, reliable, professional, easy to access and centralized repository of the Town’s ordinances and charter provisions; and

WHEREAS, it is the intent of the Board, by virtue of adoption of this Ordinance, to approve the Code of Ordinances of the Town of Upper Marlboro, Maryland with the first edition of the Code prepared by Civic Plus, LLC, consisting of the Town Charter, Part I. (Charter) and Part II. (Code of

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Ordinances) including Chapter 1 (General Provisions) that heretofore had not been previously adopted by ordinance, and 23 following chapters, containing provisions that had been previously enacted as law, except for certain minor corrections and amendments placed in the final manuscript to be approved by the Board, which serves is as a final manuscript to be incorporated herein and enacted into law as said town code and is entitled the “Code of Ordinances of the Town of Upper Marlboro, Maryland (2023).”

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, that the following comprehensive codification of the general and permanent ordinances of the Town of Upper Marlboro, Maryland to be known as “The Code of Ordinances of the Town of Upper Marlboro (2023)” or “Code of Ordinances” published and maintained by CivicPlus, LLC/Municode, and attached hereto as Exhibit 1, a manuscript of 190 pages, more or less, and incorporated by reference herein as if written word for word, is hereby adopted, enacted and approved.

Section 2. AND BE IT FURTHER ORDAINED AND ENACTED, that it is the intention of the Town Board of Commissioners, and it is hereby ordained, that the provisions of this Ordinance and Exhibit 1 hereto shall become or continue to be made part of the Code of Ordinances and the sections of said Code of Ordinances may be renumbered to accomplish such intention.

Section 3. AND BE IT FURTHER ORDAINED AND ENACTED, this Ordinance shall 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 4. BE IT FURTHER ORDAINED AND ENACTED, that if any section or part of a section of this ordinance shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Section 5. AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this ordinance shall become effective at the expiration of twenty (20) calendar days following approval by the Board of Commissioners.

INTRODUCED and ADOPTED in a public session of the Board of Commissioners on this ____ day of _____, 2023.

ORDAINED, APPROVED, AND FINALLY PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland on this ____ day of _____, 2023, by:

Attest:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

John Hoatson, Town Clerk

Sarah Franklin, President

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Date: _____

Charles Colbert, Commissioner

Thomas Hanchett, Commissioner

Karen Lott, Commissioner

Linda Pennoyer, Commissioner

Reviewed and Approved for Legal Sufficiency:

Kevin J. Best, Esq.

Date: _____

CERTIFICATION

I, HEREBY CERTIFY, as the duly appointed Town Clerk of the Town of Upper Marlboro, Maryland, that on the ___ day of August 2023 with _____ Aye (unanimous) votes and _0____ Nay votes, the aforesaid Ordinance 2023-__ passed.

John Hoatson, Town Clerk

[Exhibit 1 - The Code of Ordinances of the Town of Upper Marlboro (2023) – manuscript of 190 pages +/-]