

Town of Upper Marlboro

RESOLUTION: 2020-04
SESSION: Regular Town Meeting
DATE: February 11, 2020

RESOLUTION BY THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO TO ESTABLISH THE STANDING DATE AND VENDOR FEES FOR THE ANNUAL MARLBORO DAY FESTIVAL AND PARADE

WHEREAS, Section 82-16(2)(l) (Community Services) of the Town Charter authorizes the Board of Commissioners of the Town of Upper Marlboro to pass ordinances to provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the Town; and

WHEREAS, the Board of Commissioners has authority pursuant to Ordinance 2019-02: Authorizing Creation and Governance of Committees and Other Town Bodies; and Section 82-16 (1) General Powers; and (2)(p) and (2)(rr) Specific Powers, of the Town Charter to create departments to further the public interest of the Town, and to establish programs to promote the health, welfare, and enjoyment of the inhabitants of the Town; and

WHEREAS, pursuant to LG Art., § 5-205(d)(1) of the Annotated Code of Maryland, a municipality may establish and collect reasonable fees and charges associated with the exercise of a governmental or proprietary function exercised by the municipality; and

WHEREAS, Ordinance 97-2 (Parade and Special Event Ordinance of the Town of Upper Marlboro) was enacted on August 12, 1997, which governs the conduct of the public during such events; however, the Board finds that the Town as the event organizer is not a “person” within the meaning of the ordinance and in the exercise of its municipal powers is generally exempt from said ordinance; *See, e.g., Unnamed Physicians v. Commission on Medical Discipline*, 285 Md. 1, 12-14 (1979); and

WHEREAS, the Board of Commissioners of the Town of Upper Marlboro finds that the Town was first incorporated on April 4, 1870 by Chapter 363 of the Acts of Md. of 1870, which was signed into law by Governor Oden Bowie; and

WHEREAS, the Board of Commissioners wishes to promote community engagement, and continue the tradition of the Marlborough Day Festival; and

WHEREAS, the Board of Commissioners has established goals and initiatives to strengthen

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community relations through proactive partnership with its residents, businesses and surrounding area communities.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Town of Upper Marlboro sitting in regular session this 11th day of February, 2020 approves and declares the following:

1. The Marlboro Day Festival and Parade shall be held the 2nd Saturday of May in Downtown Upper Marlboro, with a rain date to be set by separate motion as deemed necessary.
2. The Town may charge vendors a fee of \$50.00 per space or unit with no charge for non-profit groups and government agencies.
3. The Town may contribute funds as appropriated by the annual budget, assign personnel and enroll other support as needed to ensure the safety and success of this annual community-wide event.
4. Parade and vendor applicants or representatives shall be required to sign appropriate liability waiver forms and/or provide certificates of insurance naming the Town as an additional insured as deemed sufficient by the President.
5. The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles or flow of traffic along a highway or part thereof constituting part the route of a parade or special event, and take other reasonable precautions to protect the health, safety and welfare of the public.

INTRODUCED AND PASSED by the Board of Commissioners for the Town of Upper Marlboro, Maryland at a Public Meeting held on February 11th, 2020.

Attest:



THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

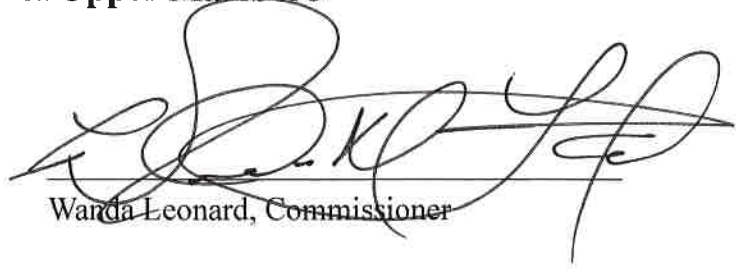

Linda Pennoyer, President


Kai Bernal-LeClaire, Commissioner

Town of Upper Marlboro



M. David Williams, Town Clerk

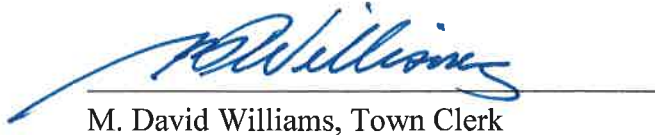


Wanda Leonard, Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution, and that said Resolution is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this 11th day of February, 2020.



M. David Williams, Town Clerk