

The Town of Upper Marlboro

RESOLUTION: 2020-21
SESSION: Regular Town Meeting
DATE : October 13, 2020

A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS MODIFYING THE LOCAL STATE OF EMERGENCY ORDER INITIALLY ISSUED ON MARCH 25TH, 2020, AND ADJUSTING CERTAIN BUSINESS LICENSE FEES AND CHANGING THE TIMEFRAMES RELATING TO LICENSURE OF BUSINESSES LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN OF UPPER MARLBORO

WHEREAS, an initial Town Emergency Declaration for the present COVID-19 pandemic was declared on March 25th, 2020, with an extension approved by the Board of Town Commissioners at the April 28th Board Work Session as Resolution 2020-12 followed by Emergency Order No. 04-2020 issued on September 15, 2020 further adopting by reference certain local orders, extending and modifying the duration of the emergency orders of the Town through December 31st, 2020, unless terminated or modified earlier; and

WHEREAS, an Order of the Governor of the State of Maryland Number 20-09-01-01 issued September 1, 2020, specifically authorized political subdivisions to issue more restrictive orders than issued by the Governor including requiring any businesses, organizations, establishments, or facilities to close or modify their operations; and/or requiring individuals to remain indoors or to refrain from congregating; and

WHEREAS, County Executive Order No. 20-2020 was promulgated on September 3, 2020, and pursuant to Section 14-111 (b)(1) of the Public Safety Article of the Annotated Code of Maryland the consent of the county governing body was provided to extend the local declaration for more than 30 days, and such was the primary purpose of CR-90-2020 adopted on September 15, 2020; and

WHEREAS, the Board of Commissioners is authorized pursuant to Ordinance 2018-07 to license any and all associations, corporations, industrial, institutional, rental, research, retail or service business establishments, limited liability corporations or partnerships, and professional associations or corporations doing business in the Town of Upper Marlboro, and to require any business owner or establishment who is a holder of a County liquor license to obtain a special supplemental municipal liquor license issued by the Town; and

WHEREAS, Section 4 of Ordinance 2018-07 provides that business licenses shall be valid for one year, from July 1 through June 30, and must be renewed annually; and

WHEREAS, the Board of Commissioners passed Resolution 2018-05 on October 9, 2018 establishing the initial Business License Fees, which will be modified as stated herein upon passage of this Resolution; and

WHEREAS, the Board of Commissioners has determined that there is a need to set new or reduced business license fees in consideration of the impacts of the COVID-19 pandemic that have

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negatively affected the Town's businesses and modify the deadline for business license renewals, and that the deadline to obtain or renew a license for the business license year of 2020-2021 shall be November 1, 2020 instead of July 1, 2020; and

WHEREAS, pursuant to Section 4 of Emergency Ordinance 2020-04, upon the executive order of a civil municipal emergency by the President, and during the existence of such civil emergency, the President may, in a form that meets the requirements of said section, make and proclaim an order abrogating or modifying any relevant and existing ordinance, resolution, rule, regulation, or charter provision to allow for extensions of permits, licenses, registrations, nomination certificates or other permissions, deadlines or mandated filings to extend or avoid lapsing of same for a period of time extending for up to 30 days after the emergency; and

WHEREAS, pursuant to Subsection 4.C of Emergency Ordinance 2020-04, the Board shall consider the statements and provisions set forth in said civil emergencies ordinance and may, by resolution, modify, ratify, amend or reject an order of the President issued pursuant thereto.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO that the Local (County) Order known as Executive Order No. 20-2020 issued by the County Executive, as amended, and CR-90-2020, as amended, are hereby adopted by reference herein as if written word for word herein below and shall be applicable and enforced by the Upper Marlboro Police Department within the corporate limits of the Town.

AND BE IT FURTHER RESOLVED BY THE BOARD OF COMMISSIONERS that as of the effective date of this Resolution, all businesses of any type within the Town limits shall pay a reduced fee of \$45.00 per business or use and \$10 per vending machine for their 2020/2021 Business License Fee, and 20% of the cost of their Liquor License, as applicable.

AND BE IT FURTHER RESOLVED BY THE BOARD OF COMMISSIONERS that Item J regarding lottery sales of the fee schedule stated in Resolution 2018-05 is hereby stricken and repealed pursuant to the exemption provided in §9-102 of the State Government Article of Md. Ann. Code.

AND BE IT FURTHER RESOLVED BY THE BOARD OF COMMISSIONERS that the Town Board of Commissioners agrees that the COVID-19 pandemic continues to endanger the Town, and hereby approves, ratifies and authorizes the extension of the Local State of Emergency indefinitely until it is terminated or modified earlier.

AND BE IT FURTHER RESOLVED BY THE BOARD OF COMMISSIONERS that the President shall cause this Resolution to be delivered to the Governor of the State and, to the extent practicable, to all news media within or near the Town, and shall utilize as many other available such means, including but not limited to, posting on public facilities, signs, public address systems, newsletters, newspapers, Town internet web sites or social media accounts as may be practical to use and as shall be necessary in his judgment, in order to give the widest dissemination of such and orders and resolutions to the public.

INTRODUCED AND PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a Public Meeting held on October 13th, 2020.

The Town of Upper Marlboro

Attest:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS


Linda Pennoyer, President



Sarah Franklin, Commissioner



M. David Williams, Town Clerk




Janice Duckett, 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
13th day of October, 2020.



M. David Williams, Town Clerk

