

# Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

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## TENTATIVE

### REGULAR TOWN MEETING

Tuesday, October 9, 2018 – 7:00 p.m.

### AGENDA

#### Call to Order

- Roll Call
- Pledge of Allegiance
- Consent to the Agenda

#### Approval of Meeting Minutes & Financial Reports

- Approval of the September 11, 2018 Regular Town Meeting minutes
- Approval of the September 25, 2018 Work Session minutes
- Approval of the Treasurer's Report, as of September 30, 2018.

#### Reports

- Staff & Committee Reports
- Commissioner Leonard
- Commissioner Pennoyer
- President Turner

#### Business

- Ordinance 2018-07: Town Business Licensing (Board vote)
- Ordinance 2018-08: Classify Real Property (introduction)
- Resolution 2018-05: Business License Fees (Board vote)
- General/Administration issues

#### Public Comment

#### Adjournment

*All meetings are subject to closure in accordance with the State Open Meetings Act—House Bill 217  
See back of Agenda for Public Comment Procedures*

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**Wanda Leonard**  
Commissioner

**Tonga Y. Turner**  
Commissioner/ President

**Linda Pennoyer**  
Commissioner/ Treasurer

## PUBLIC COMMENT PROCEDURES

Your Town government appreciates citizen input. So, in an effort to maximize effective resolutions on resident's issues, we encourage Town residents and businesses to contact us at Town Hall first, weekdays: 9 a.m.–5 p.m., or by written correspondence (or email to [info@uppermarlboromd.gov](mailto:info@uppermarlboromd.gov)). You are always welcome to schedule an appointment with the President or a Commissioner to discuss municipal problems and quality-of-life issues one-on-one, and work together towards a satisfactory solution.

Agendas for meetings are posted on our website and a synopsis of the monthly Town Meeting Agenda is also provided in the “On the Agenda” column of our monthly newsletter, the *Landings*. Outreach and notices of legislative items are also posted on the Town's social media accounts (Facebook & Twitter).

Our meetings are open to the public, and we ask that residents who want to comment to please follow the rules that have been established by “Resolution 2016-02: Adoption of Rules of Order and Regulations for Public Meetings” . . .

### III. Citizen Input

**A.** At regular and special meetings, residents of the Town may have the opportunity to address the Board on any item on the agenda provided a resident is recognized and allowed to speak by the President. Recognized public comment and/or questions that are germane to the immediate agenda item shall be limited to (1) minute. Furthermore, each regular meeting shall also have an agenda item for citizen input regarding any municipal question, during which time any resident of the Town may address the Board for up to three (3) minutes on matters or items not necessarily placed on the agenda. Individuals not residing in the Town may speak at regular or special meetings under conditions specified by the Board. The President or the Board may uniformly change or adjust the time limitations for all speakers depending on the circumstances or provide additional time for experts or other officials.

**B.** Except in instances where the presiding officer expressly invites or allocates time for public testimony, questions, comments, or other forms of participation, or when public participation is otherwise authorized by law, no member of the public attending an open meeting session may actively participate in the session. Public comment by members of the public is not typically designed or intended for interactive dialogue between the Commission and the public, unless the presiding officer specifically allows it or the Commission elects to suspend its rules to allow such colloquy.

**C.** Speakers shall state their name for the record, and their address (**street name only**). Ordinarily, for each agenda item, including citizen input, speakers shall have one opportunity to speak and may not poll or ask questions of individual commissioners, staff or public officials. Otherwise, the Board shall determine the conduct of the public discussions on any issue and may set reasonable time limits for such.

**D.** Ordinarily, work sessions are open to public observation only and public participation is at the discretion of the Board. At work sessions, residents and non-residents may be allowed to speak on any municipal issue, but only under conditions specified by the Board.

**Each individual speaker must stand, state their name and home of record (street name only) and approach the Board to a designated position in order to be recognized by the Chair of the Board, and to be heard by the recording Clerk, as well as others in attendance.**

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

ORDINANCE: 2018-07  
SESSION: Regular Town Meeting  
INTRODUCED: September 11, 2018

**TOWN BUSINESS LICENSE: DRAFT – 3**

AN ORDINANCE PROVIDING FOR THE LICENSING OF ASSOCIATIONS, BANKS AND FINANCIAL INSTITUTIONS, BUSINESS ESTABLISHMENTS, CORPORATIONS, PROFESSIONS AND OTHER BUSINESS ENTITIES DOING BUSINESS IN THE TOWN OF UPPER MARLBORO; AND TO FURTHER PROVIDE FOR AN ANNUAL MUNICIPAL LIQUOR LICENSE FEE; AND GENERALLY RELATING TO BUSINESS REGULATION AND LICENSURE.

**WHEREAS**, pursuant to LG Art., § 5-202 of the State Code and § 82-16(1) of the Town Charter, the Board of Commissioners shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town’s property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein; and

**WHEREAS**, pursuant to § 82-16(2)(gg) of the Town Charter, the Board shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State and subject to any restrictions imposed by the public general laws of the State, the power to pass ordinances for the specific purpose of licensing and regulating all persons beginning or conducting transient or permanent business in the Town for the sale of any goods, wares, merchandise, or services, to license and regulate any business, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of the Charter; and

**WHEREAS**, pursuant to § 26-104 of the Alcoholic Beverages Article of Md. Ann. Code, a municipal corporation in Prince George’s County may require any liquor license holder for any place of business situated in the municipal corporation to pay to that municipal corporation an additional annual license fee not exceeding 20 percent of the fee payable under the provisions of said Article; and

**WHEREAS**, the Board of Commissioners finds that the regulation of businesses located within the Town’s corporate limits pursuant to this Ordinance is necessary for regulatory purposes in the interest of the health, welfare, safety or morals of the public.

**NOW, THEREFORE,** the Board of Commissioners of the Town of Upper Marlboro, State of Maryland, does ordain and enact as follows:

**Section 1. Purpose and Authority.**

A. Purpose – The purpose of this Ordinance is 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. A further purpose of this Ordinance is 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.

B. Authority – The authority to license business entities operating within the Town of Upper Marlboro and charge a fee is provided for in Section 82-16(2)(gg) of the Town of Upper Marlboro Charter and in Sections 5-204(e) and 5-205(d) of Md. Ann. Code, LG Article. Furthermore, the authority to require any County liquor license holder for any place of business situated in Town to pay to the Town of Upper Marlboro an additional annual license fee is provided for in § 26-104 of the Alcoholic Beverages Article of Md. Ann. Code.

**Section 2. Business Licenses Required; Liquor License**

A. Business Licenses. No association, business entity, commercial or residential property management association, corporation, entity, industrial, institutional, rental, retail, or service business establishment, limited liability association, corporation or partnership, organization, person or professional association, corporation or partnership shall sell, offer for sale, or otherwise dispose of for any valuable consideration any goods or services or engage in the dispensation of professional services within the Town without first obtaining a business license for such purpose. Excepted are activities conducted by Town organizations for fund-raising, exclusively religious, charitable or educational fund-raising organizations, yard sales, and home based businesses operating in compliance with municipal, county and state laws.

B. Municipal Liquor License. In addition to obtaining a business license, any place of business located in the Town that holds a liquor license issued by the Board of License Commissioners for Prince George's County shall be required to pay an annual fee to the Town equal to twenty (20) percent of the license or license renewal fee charged by the Board of License Commissioners for Prince George's County. This fee shall be due on or before July 1 of each calendar year. Upon receipt of the fee a Town Supplemental Liquor License will be issued.

**Section 3. Multiple establishments.**

A. If multiple businesses are conducted on any premises, lot or parcel within the Town (e.g., a retail store with a lottery unit and/or vending machine located on a single lot or parcel), a separate license and fee shall be required for each separate business establishment, unit or use described

herein or by resolution adopted pursuant to this Ordinance that is operated on any single premises, lot or parcel located within the Town.

B. If a business conducted on any premises is also conducted on any other premises within the Town, a separate license shall not be required for each branch or separate establishment, provided that warehouses and distribution facilities used in connection with a business are incidental to a business licensed under the provisions of this Ordinance and shall not be deemed to be separate places of business or branch establishments.

#### **Section 4. Annual Renewal of Licenses.**

Business Licenses shall be valid for one year, from July 1 through June 30, and must be renewed annually. The Town shall notify all business establishments operating within the Town of the business license application requirement and fee in writing. An application not filed and/or fees not paid within 30 days from the date of the letter sent to the business establishment will be subject to a penalty of \$50.00 and will be subject to an additional penalty of \$25.00 for each month or partial month the business license application is not filed and/or fee is not paid after 60 days from the date of the letter sent to the business establishment. Any business establishment that fails to file an application or pay the business license fee may be reported to the Maryland Office of the Comptroller, Maryland State Department of Assessment & Taxation Personal Property Tax Division, and the Clerk of the Circuit Court in Prince George's County. A business license is not transferable to a new owner or operator of an existing business. Licenses granted for a period after December 31 will be prorated at one-half the scheduled rate.

#### **Section 5. Fees.**

A. The fee schedule for this Ordinance as it pertains to certain enumerated businesses shall be set from time to time by resolution of the Board of Town Commissioners.

B. The fee schedule shall become effective December 31, 2018 for the business licensing year beginning July 1, 2019.

#### **Section 6. Business License Application.**

A. Each business establishment subject to the provisions of this Ordinance shall file a Business License Application as part of the licensing procedure and shall provide on the application its Maryland State Department of Assessment & Taxation (SDAT) number and its Federal Employer Identification Number. Failure to provide this information shall be considered a violation of this Ordinance. The holder of a liquor license shall file a copy of the issued liquor license of the Board of License Commissioners along with proof of payment of such license fees.

B. Each business establishment subject to the provisions of this Ordinance that owns the property from which the business is operated and fails to file a business license application and/or pay business and/or liquor license fees, fines or penalties imposed by this Ordinance shall result in the

amount of any fee, fine or penalty imposed being recorded as a lien against the property and collected in the same manner as delinquent taxes.

C. No application for a business or municipal liquor license will be approved for a business or activity which is in violation of the ordinances or laws of the Town, County or State or which is a nuisance or constitutes a danger to the welfare, health or safety of the Town or the public.

D. All business or municipal liquor licenses issued shall be subject to revocation by the Town if it is shown that the manner in which such business is conducted constitutes a nuisance to the public, or if such business is being conducted in violation of any law or ordinance, or if such business otherwise constitutes a danger to the public health, safety or welfare of the residents of the Town.

### **Section 7. Property Owner, Property Manager and/or Rental Agent Notification.**

The property owner or duly authorized property manager or agent shall be required to notify the Town of the name, address, telephone number, and date a new tenant moves in or an existing tenant relocates to another location owned by the property owner or of the date when a tenant ceases to be a tenant. Failure of the property owner to provide this information within thirty (30) days of the event will be in default and subject to a reasonable penalty as provided in Section 9 of this Ordinance and failure to pay any fine or penalty imposed will result in the amount of any fine or penalty imposed being recorded as a lien against the property and collected in the same manner as delinquent taxes.

### **Section 8. Violation; Enforcement.**

A. Violation of any provision of this Ordinance shall be a municipal infraction. The penalty for a violation shall be \$50.00 for each initial offense and \$250.00 for each repeat offense. Failure to apply for a Town business license and pay the required fees within the specified time frame as indicated in this Ordinance shall constitute a violation. Such violation shall not be considered corrected until the required application is filed and the proper fee paid. If an application has not been filed, nor the proper fees paid after the elapse of a 30-day period following the initial due date as stated in the letter of notification, this event shall constitute a separate offense. The Board of Town Commissioners shall have the authority to change the penalties of this ordinance from time to time by resolution.

B. In addition to the other remedies or penalties provided herein, the Town may institute an action for injunctive, mandamus, or other appropriate action or proceedings to enforce the provision of this Ordinance.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that any prior ordinances adopting and enacting any provision of this Ordinance or any other ordinance or resolution previously adopted pertaining to a subject or subjects embodied by the title of this Ordinance or the provisions found in conflict herein shall be deemed repealed and superseded by the provisions of this Ordinance, and should a

previously enacted ordinance cover a provision or subject that is not covered by this Ordinance, it shall remain in full force and effect unless it directly conflicts with the express language of this Ordinance.

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.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall be posted in the Town Hall office, and it or a fair summary thereof, shall be published once in a newspaper of general circulation in the Town.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

THE TOWN OF UPPER MARLBORO,  
BOARD OF COMMISSIONERS

\_\_\_\_\_  
Tonga Turner, President

\_\_\_\_\_  
Linda Pennoyer, Commissioner

Attest:

\_\_\_\_\_  
M. David Williams, Town Clerk

\_\_\_\_\_  
Wanda Leonard, Commissioner

Proposed Ordinance Timeline:

Discussion: August Board Work Session	8/28/2018
Introduction: September Town Meeting	9/11/2018
Public Comment & Board Discussion: September Board Work Session	9/25/2018
Final Reading & Passage: October Town Meeting	10/9/2018

# Town of Upper Marlboro

RESOLUTION: 2018-05 DRAFT

SESSION: Regular/Special Town Meeting

DATE : November \_\_, 2018

## RESOLUTION BY THE BOARD OF TOWN COMMISSIONERS TO APPROVE AND ESTABLISH CERTAIN BUSINESS LICENSE FEES

WHEREAS, the Board of Commissioners for the Town of Upper Marlboro, a body politic and corporate of the State of Maryland as a municipal corporation is duly empowered by state law to pass ordinances for the specific purpose of licensing and regulating all persons beginning or conducting transient or permanent business in the Town for the sale of any goods, wares, merchandise, or services, to license and regulate any business, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of the Charter; 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, the Board of Commissioners finds that the Town contains law offices, bail bondsmen, private investigations firms, ankle bracelet monitoring entities, cleaning services companies, a convenience store, laundromats, beauty salons, a liquor store, barbershops, insurance agents, engineering/surveying firms, healthcare related businesses, convenience store, and restaurants; and

WHEREAS, the Board of Commissioners has determined that there is a need to set new business license fees to defray the costs of administration and regulation by the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO that as of the effective date of Ordinance 2018-07, the following business licensing fees and other fees shall be established and collected pursuant to said ordinance:

### FEE SCHEDULE BY BUSINESS OR USE.

(A)	BAIL BONDSMEN	\$300
(B)	PRIVATE INVESTIGATIONS	\$300
(C)	BARBER/BEAUTY SHOPS	\$300
(D)	CLEANING SERVICES COMPANIES	\$300
(E)	CONVENIENCE STORES/MARTS	\$300
(F)	DRY CLEANING AND LAUNDROMATS	\$300
(G)	INSURANCE AGENCIES	\$300

## Town of Upper Marlboro

(H)	LIQUOR STORES	\$300
(I)	HOME OCCUPATIONS	\$0
(J)	LOTTERY SALES (PER UNIT)	\$100
(K)	MEDICAL/DENTAL FACILITIES	\$300
(L)	NON-PROFIT ORGANIZATIONS/CHURCHES	\$0
(M)	PROFESSIONAL OFFICES (PER OFFICE)	\$300
(N)	RESTAURANTS/BARS	\$300
(O)	VENDING MACHINES (PER UNIT)	\$ 25
(P)	ENGINEERING/SURVEYING FIRMS	\$300
(Q)	THE FEE FOR ALL OTHER BUSINESSES	\$300
(R)	SUPPLEMENTAL TOWN LIQUOR LICENSE	20% of Co. Liquor Bd. License Fee

AND BE IT FURTHER RESOLVED that this Resolution shall be contingent upon and shall take effect immediately after but on the same date that Ordinance 2018-07 shall become effective.

**INTRODUCED AND PASSED** by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a Public Meeting held on November \_\_, 2018.

Attest:

THE TOWN OF UPPER MARLBORO  
BOARD OF COMMISSIONERS

\_\_\_\_\_  
Tonga Turner, President

\_\_\_\_\_  
Linda Pennoyer, Commissioner

\_\_\_\_\_  
M. David Williams, Town Clerk

\_\_\_\_\_  
Wanda Leonard, Commissioner

# The Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

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

### DRAFT-2

ORDINANCE: 2018-08

SESSION: Regular Town Meeting

INTRODUCED: September 25, 2018

### **AN ORDINANCE OF THE TOWN OF UPPER MARLBORO CREATING, DEFINING AND DESIGNATING CERTAIN TAX CLASSIFICATIONS FOR RESIDENTIAL AND COMMERCIAL REAL PROPERTY SITUATED WITHIN THE TOWN AND SUBJECT TO MUNICIPAL TAXATION, AND GENERALLY RELATING TO MUNICIPAL TAXATION.**

**WHEREAS**, The Town of Upper Marlboro is an incorporated municipality governed pursuant to Article XI-E of the Constitution of Maryland; and

**WHEREAS**, pursuant to Section 5-202 of the Local Government Article of Md. Ann. Code, the legislative body of a municipality in this State shall have general power to pass such ordinances, not contrary to the Constitution of Maryland or public general law, as they may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and

**WHEREAS**, pursuant to Article 15 of the Maryland Declaration of Rights, as initially adopted in 1867, "every person in the State, or person holding property therein, ought to contribute his proportion of public taxes for the support of the Government, according to his actual worth in real or personal property;" and

**WHEREAS**, pursuant to Section 82-47 of the Charter of the Town of Upper Marlboro (the "Charter"), all real property and all tangible personal property within the corporate limits of the Town, or personal property which may have a situs there by reason of the residence of the owner therein, shall be subject to taxation for municipal purposes, and the assessment used shall be the same as that for State and County taxes, and that authority is given by said section to impose taxes only on property over which the Maryland Constitution or any act of the General Assembly grants taxing authority to the Town of Upper Marlboro or to any municipality in the State of Maryland; and

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**CAPITALS** : Indicate matter to be added to existing law  
**[Brackets]** : Indicate matter to be deleted from existing law  
**Asterisks \* \* \*** : Indicate that text is retained from existing law but omitted herein.

**WHEREAS**, below is an extract of the 2018-2019 list of county and municipal tax rates, and property tax rates in effect on July 1, 2018 published by the Maryland State Department of Assessments and Taxation ("SDAT"):

JURISDICTION	COUNTY RATE			TOWN/SPECIAL TAXING		
	REAL	PERSONAL	UTILITY	DISTRICT TAX RATE		
				REAL	PERSONAL	UTILITY
PRINCE GEORGE'S	1.00	2.50	2.50			
Upper Marlboro	0.921	2.314	2.314	0.24	0.45	--

All rates are shown per \$100 of assessment; and

**WHEREAS**, property tax rates are set by each unit of government, such as the State, counties, and incorporated cities and towns, for properties assessed (i.e., valued) by the State enabling said governments to set tax rates at the level required to fund governmental services of which said rates may be increased, decreased, or remain the same from year to year; however, should a proposed tax rate increase the total property tax revenues for a given class of real property, the governing body must advertise that fact and hold a public hearing on the new tax rate pursuant to Tax-Property Article, §6-308 of the Md. Ann. Code, which is called the Constant Yield Tax Rate process; and

**WHEREAS**, pursuant to the Tax-Property Article, §6-303(a) of the Md. Ann. Code, if not otherwise prohibited by said Article, the governing body of a municipal corporation may set separate rates for any classes of property that is subject to the municipal corporation property tax, in each year after the date of finality (i.e., January 1) and before the following July 1, the governing body of each municipal corporation annually shall set the tax rate for the next taxable year on all assessments of property subject to municipal corporation property tax; and

**WHEREAS**, pursuant to the Tax-Property Article, §6-303(c) of the Md. Ann. Code, unless otherwise provided by the governing body of the municipal corporation there shall be a single municipal corporation property tax rate for all real property subject to municipal corporation property tax; and

**WHEREAS**, the Town currently has only one (1) class of real property, despite having the authority to create multiple classifications as provided in the Tax-Property Article, §6-203(a) of the Md. Ann. Code whereby a "municipal corporation may impose municipal corporation property tax on those classes of property that it selects [i.e., the municipality itself is authorized to create and designate] to be subject to municipal corporation property tax;" and

**WHEREAS**, there are fourteen (14) administrative land use codes used by the Maryland State Department of Assessments and Taxation to describe every lot or parcel of real property as follows: agricultural, apartment, commercial, commercial condominium, commercial/residential, (residential) condominium, country club, exempt, exempt commercial, industrial, marsh, residential, residential/commercial, and town house; however, unlike the counties, the municipalities are not

restricted to any enumerated statutory list or description when choosing to define classes of real property for municipal taxation purposes; and

**WHEREAS**, the Board finds that the following municipalities have classified real property in the same or similar manner (i.e., commercial/noncommercial) as is to be adopted herein by this Ordinance: Forest Heights (commercial and noncommercial), North Brentwood (commercial and noncommercial), Colmar Manor (commercial and noncommercial), Berwyn Heights (commercial and noncommercial), Cheverly (apartment and other), Cottage City (commercial and noncommercial) and Pocomoke City (owner occupied and non-owner occupied); and

**WHEREAS**, the Board further finds that \$31,986,930 or 40% of the Town's current gross assessable real property tax base of \$78,913,365 is made up of commercial (i.e., taxable non-residential) properties; and

**WHEREAS**, the Board further finds that a one cent increase in the municipal tax rate on real property levied on commercial property in the Town would yield \$3,198.693 in revenues from commercial properties located within the Town; and

**WHEREAS**, the Board further finds that residential property is a necessity of life to the inhabitant from which the owner-occupant or tenant derives little to no income, unlike commercial or industrial property, and that such a classification of real property is rationally related to an important governmental purpose in relieving the tax burden on residential property owners thereby making housing more affordable, and promoting the policies of making the Town a more sustainable, livable and family-oriented community.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, STATE OF MARYLAND, DOES ORDAIN AND ENACT THE FOLLOWING REGARDING THE CLASSIFICATION OF REAL PROPERTY FOR PURPOSES OF ASSESSMENTS AND TAXATION:**

A. Effective for the tax year beginning July 1, 2019, and for each tax year thereafter unless altered by a subsequent enactment of the Board of Commissioners, the classifications of property subject to municipal taxation, with respect to those properties, businesses or utilities located within the municipal boundaries of the Town of Upper Marlboro, shall be as follows:

<u>PROPERTY CLASSIFICATIONS</u>	<u>*FY '18 RATE/\$100</u>
1. COMMERCIAL REAL PROPERTY,	0.24
2. NONCOMMERCIAL REAL PROPERTY,	0.24
3. BUSINESS PERSONAL PROPERTY, AND	1.35
4. PUBLIC UTILITY PROPERTY	0.00

(\* These rates were established by previous legislation and are indicated herein for informational purposes only. Prior to this ordinance, which shall apply beginning in FY '19 (July 1, 2019), all real property has been taxed at the same rate as one (1) class without distinction as to commercial or noncommercial real property.)

B. Real property that is lawfully used or leased substantially for residential dwelling purposes shall be classified as noncommercial real property. All other real property shall be classified as commercial real property. Property that is exempt from taxation shall remain exempt regardless of classification by the Town.

C. The Treasurer or her designee shall notify the Special Assistant to the Director of the Maryland State Department of Assessments and Taxation of the action taken under the provisions of this ordinance and offer a copy hereof as soon as possible, but no later than December 1, 2018.

D. The Treasurer or her designee shall coordinate with the State Department of Assessments and Taxation regarding the requirement to obtain constant yield tax rate certifications for the net assessable real property base for the two (2) separate classes of real property created by this ordinance, no later than February 1, 2019 and each year thereafter.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that any prior ordinances adopting and enacting any provision of this Ordinance or any other ordinance or resolution previously adopted pertaining to a subject or subjects embodied by the title of this Ordinance or the provisions found in conflict herein shall be deemed amended, repealed and/or superseded by the provisions of this Ordinance, as applicable, and should a previously enacted ordinance cover a provision or subject that is not covered by this Ordinance, it shall remain in full force and effect unless it directly conflicts with the express language of this Ordinance.

BE IT FURTHER ENACTED AND ORDAINED 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.

BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall be posted in the Town Hall office, and it or a fair summary thereof, shall be published once in a newspaper of general circulation in the Town.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

THE TOWN OF UPPER MARLBORO,  
BOARD OF COMMISSIONERS

\_\_\_\_\_  
Tonga Turner, President

\_\_\_\_\_  
Linda Pennoyer, Commissioner

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M. David Williams, Town Clerk

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Wanda Leonard, Commissioner

Ordinance 2018-08 Schedule:

Board Work Session Discussion – 1st Reading	September 25, 2018
Board Discussion/Resident Input – Formal Intro	October 9, 2018
Resident Requested Input Due –	October 21, 2018
Board Work Session Discussion –	October 23, 2018
Second Reading/Approval/Board Vote –	November 13, 2018

CERTIFICATION

I, HEREBY CERTIFY, as the duly appointed Town Clerk of the Town of Upper Marlboro, Maryland, that on the \_\_\_\_ day of October 2018, with \_\_\_\_ Aye votes, and \_\_\_\_ Nay votes, the aforesaid Ordinance 2018-08 passed.

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M. David Williams, Town Clerk