

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

ORDINANCE: 2018-04
SESSION: Regular Town Meeting
INTRODUCED: June 26, 2018

**AN ORDINANCE OF THE TOWN OF UPPER MARLBORO REGULATING THE HOURS
OF RETAIL OR SERVICE ESTABLISHMENTS AND PROVIDING THE VIOLATION
THEREOF.**

WHEREAS, the Board of Town Commissioners enacted Ord. 86-3 regulating the hours of retail establishments and providing for violations thereof, as amended; and

WHEREAS, it is hereby declared to be the purpose of this Section to use the police power of the Town of Upper Marlboro to regulate the hours of operation and closure of various types of businesses and commercial establishments to which the public is invited, in order to curtail crime, noise, inconvenience, disturbance and public nuisance, to protect the safety and welfare of the employees and patrons of such businesses and establishments and of persons living in proximity to such businesses and establishments, and to enhance the quality of life for Town residents; and

WHEREAS, it is hereby declared to be in the best interests of the health, safety and welfare of the residents of the Town of Upper Marlboro, as well as the employees and patrons of such businesses and establishments, that the businesses and establishments regulated by this Section cease the conduct of their business, operations and activities at a reasonable hour.

Section 1. Retail or Service Establishment, Defined

A “retail or service establishment” is any establishment operated within the corporate limits of the Town of Upper Marlboro which caters to the public for sales of merchandise or services having 75 per centum of whose annual dollar volume of sales of goods or services (or of both) is not for resale and is recognized as retail sales or services in the particular industry.

Section 2. Hours of Operation

It shall be unlawful for any person, business entity or corporation to operate or cause to be operated any retail or service establishment in the Town between the hours of 2 a.m. and 6 a.m. unless a 24-hour operation permit is approved by the Board of Town Commissioners.

Section 3. 24–Hour Operation Permit

Should a retail or service establishment wish to remain open 24–hours a day, a permit valid for two years must be obtained from the Town and approved by the Board of Town Commissioners. A fee of \$2,000 shall be associated with the permit and is due within 5 days of the permit being granted. A permit certificate issued by the Town shall be issued upon payment and conspicuously displayed on the premises.

Section 4. Special Permits

Should a retail or service establishment wish to remain open for a period longer than the hours of operation as proscribed in Section 2 herein, but less than 24-hours, a special permit having the same fee as proscribed in Section 3 shall be obtained from the Board of Town Commissioners.

Section 5. Revoking of 24-Hour Operation or Special Permit

Should the Town find that the retail or service establishment is operating in violation of its 24-Hour Operation, special permit, or this Ordinance a written warning notice shall be submitted to the property owner and establishment owner. If the issue continues after the warning notice, the Board of Town Commissioners may vote to revoke the permit and issue a written notice that the establishment must return to normal hours of operations within thirty (30) calendar days of the notice. The full permit fee shall be refunded within ninety (90) days by the Board provided that more than 365 days remain of the 2-year permit term.

Section 6. Penalty.

Any person, business entity or corporation found in violation of this Ordinance shall be liable for a municipal infraction and upon conviction thereof, shall be assessed a fine in the amount of \$1,000.00.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall be effective, twenty days after passage, on the _____ day of _____, 2018,

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall repeal and supersede Ord. 86-3, as amended on November 10, 1987.

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 Y. Turner, President

Linda Pennoyer, Commissioner

Wanda Leonard, Commissioner

Attest:

M. David Williams, Town Clerk

Reviewed and Approved for Legal Sufficiency

Kevin J. Best, Esq.

Date: _____