

**CHARTER RESOLUTION 23-CR-02**

**CHARTER RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF UNIVERSITY PARK, PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE CONSTITUTION OF MARYLAND AND §4-301 ET SEQ. OF LOCAL GOVERNMENT ARTICLE, ANNOTATED CODE OF MARYLAND, TO AMEND THE CHARTER OF THE TOWN OF UNIVERSITY PARK BY REPEALING AND RE-ENACTING ARTICLE V, "REGISTRATION, NOMINATION AND ELECTIONS", TO ADD SECTION 508, "REFERENDA", TO REQUIRE APPROVAL BY REFERENDUM FOR ANY SALE, LEASE, OR DEVELOPMENT, OR CHANGES TO THE USE, OF TOWN PARKS AND PUBLIC OPEN SPACE**

Section 1: Be it resolved and ordained by the Mayor and Common Council of University Park that Article V, "Registration, Nomination and Elections", Section 508, "Referenda", of the Charter of the Town of University Park be enacted to read as follows:

SECTION 508 REFERENDA.

A.PUBLIC PARKS AND PUBLIC OPEN SPACE OWNED OR CONTROLLED BY, OR UNDER THE JURISDICTION OF, THE TOWN, MAY NOT BE SOLD, DEVELOPED, LEASED OR USED FOR ANY OTHER PURPOSE THAN AS PUBLIC PARKS AND OPEN SPACE, WITHOUT THE COMMON COUNCIL FIRST HAVING SUBMITTED SUCH SALE, DEVELOPMENT, LEASE OR USE TO REFERENDUM FOR APPROVAL BY THE REGISTERED VOTERS AT THE NEXT GENERAL ELECTION OR A SPECIAL ELECTION SET FOR THAT PURPOSE. THE RESULTS OF THE REFERENDUM SHALL BE BINDING ON THE MAYOR AND COMMON COUNCIL, AS PROVIDED BY LAW. NOTHING IN THIS SECTION SHALL PROHIBIT OR LIMIT THE NORMAL PETITION PROCEDURE PROVIDED THE CITIZENS OF THE TOWN.

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EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

[Brackets] indicate matter deleted from existing law

\*\*Asterisks\*\* indicate provisions of existing law which have been omitted from resolution and remain

B. A REFERENDUM IS NOT REQUIRED FOR TEMPORARY USE OF PUBLIC PARKS OR PUBLIC OPEN SPACE FOR OTHER PURPOSES IF A STATE OF EMERGENCY HAS BEEN DECLARED BY THE GOVERNOR OF MARYLAND OR UNDER FEDERAL OR LOCAL LAW AND THE COMMON COUNCIL DETERMINES THAT SUCH TEMPORARY USE IS NECESSARY TO PROTECT PUBLIC SAFETY. SAID TEMPORARY USE SHALL BE OF A REASONABLE DURATION BASED ON THE CIRCUMSTANCES AND IN NO EVENT WILL EXCEED ONE YEAR.

(C) "PUBLIC PARKS" IS DEFINED IN THIS SECTION AS ALL PARKS, PLAYGROUNDS OR LANDS THAT HAVE BEEN FORMALLY DEDICATED TO PERMANENT RECREATIONAL USE BY THE TOWN OR MAINTAINED FOR RECREATIONAL USE WITH TOWN FUNDS.

(D) "PUBLIC OPEN SPACE" IS DEFINED IN THIS SECTION AS TOWN VACANT PUBLIC LAND, WHETHER DEDICATED FORMALLY TO, OR BEING MAINTAINED AS, OPEN SPACE FOR RECREATIONAL USE OR POTENTIAL USE, AS OF AND AFTER JANUARY 1, 2024. THIS DEFINITION DOES NOT INCLUDE OPEN SPACE ADJACENT TO TOWN HALL OR THE TOWN GARAGE FACILITY, OR TOWN RIGHTS-OF-WAY.

Section 2: Be it further resolved that this resolution is adopted after at least 21 days of prior public notice of the public hearing and shall become effective fifty days after enactment by the Mayor and Common Council of University Park, unless petitioned to referendum in a manner prescribed by law. If any section, subsection, provision, sentence, clause, phrase or word of this Charter Resolution is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this

Charter Resolution, it being the intent of the Town that the remainder of the Charter Resolution shall be and shall remain in full force and effect, valid and enforceable.

Section 3: Be it further resolved that a complete and exact copy of this proposed Charter amendment shall be posted on the entrance door of the Town Hall of University Park, 6724 Baltimore Avenue, University Park, Maryland, for a period of not less than forty (40) days, and a fair summary of this Charter amendment shall be published at least four times on four successive weeks within that forty day period in a newspaper having general circulation in the Town.

APPROVED this 6<sup>th</sup> day of December, 2023.

ATTEST:

MAYOR AND COMMON COUNCIL  
TOWN OF UNIVERSITY PARK

  
\_\_\_\_\_  
Angela Lawrence,  
Interim Town Administrator

  
By: \_\_\_\_\_  
Joel T. Biermann, Mayor

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY

\_\_\_\_\_  
Suellen M. Ferguson, Town Attorney