

Chapter 684

(House Bill 1432)

AN ACT concerning

Prince George's County – Public Safety Surcharge

PG 421–13

FOR the purpose of altering the amount of the public safety surcharge that the Prince George's County Council may impose on certain construction in an area included in a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and complies with the requirements of any sector plan, master plan, or overlay zone approved by the Prince George's County District Council; updating a reference to a certain Prince George's County Approved General Plan; and generally relating to the amount of the public safety surcharge in Prince George's County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Prince George's County
Section 10–192.11
Article 17 – Public Local Laws of Maryland
(2007 Edition and 2010 Supplement, as amended)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 17 – Prince George's County

10–192.11.

(a) The County Council, by ordinance, may impose a public safety surcharge on new residential construction for which a Preliminary Plan has been approved on or after July 1, 2005.

(b) (1) Except as provided in paragraph (3) of this Subsection, a public safety surcharge imposed on a single-family detached dwelling, town house, or dwelling unit for any other building containing more than a single dwelling unit shall be in the amount of:

(A) Six Thousand Dollars (\$6,000); or

(B) [For construction in the Developed Tier, as defined by the Maryland – National Capital Park and Planning Commission in the 2002 Prince George’s County Approved General Plan,] Two Thousand Dollars (\$2,000) **FOR CONSTRUCTION IN:**

(I) THE DEVELOPED TIER, AS DEFINED BY THE MARYLAND – NATIONAL CAPITAL PARK AND PLANNING COMMISSION IN THE PRINCE GEORGE’S COUNTY APPROVED GENERAL PLAN; AND

(II) AN AREA INCLUDED IN A BASIC PLAN OR CONCEPTUAL SITE PLAN THAT ABUTS AN EXISTING OR PLANNED MASS TRANSIT RAIL STATION SITE OPERATED BY THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY AND COMPLIES WITH THE REQUIREMENTS OF ANY SECTOR PLAN, MASTER PLAN, OR OVERLAY ZONE APPROVED BY THE PRINCE GEORGE’S COUNTY DISTRICT COUNCIL.

(2) The public safety surcharge does not apply to a single-family detached dwelling that is to be built or subcontracted by an individual owner in a minor subdivision and that is intended to be used as the owner’s personal residence.

(3) The governing body of Prince George’s County may waive any surcharge imposed under subsection (b)(1)(B) of this Section.

(c) The public safety surcharge shall be paid by the seller at the time a building permit is issued for the dwelling unit. The public safety surcharge may not be construed to be a settlement cost.

(d) (1) (A) Subject to subparagraph (B) of this paragraph, payment of the public safety surcharge requires that any test concerning the adequacy of the County’s police facilities under the County’s adequate public facility ordinance shall be based on the County police response time applied:

(i) In the vicinity of the property that is the subject of a Preliminary Subdivision Plan application; and

(ii) In areas that are within reasonable proximity of the property.

(B) If the property that is the subject of a Preliminary Subdivision Plan application is located in the Rural Tier, payment of the public safety surcharge requires that any test concerning the adequacy of the County’s police facilities be based on response times from within the Rural Tier.

(2) Payment of the public facilities surcharge requires that any test concerning the adequacy of the County’s fire and emergency medical services:

(A) Be based solely on a response time for the first due station in the vicinity of the property that is the subject of a Preliminary Subdivision Plan; and

(B) May not require less than seven (7) minutes travel time as determined by the County Fire Chief.

(e) (1) Subject to paragraphs (2) and (3) of this Subsection, revenue collected under the public safety surcharge shall be distributed by the governing body of Prince George's County to police, fire, and emergency medical services in the County.

(2) (A) At least twenty-five percent (25%) of the revenue collected from a surcharge imposed on construction that is located in a municipal corporation that maintains a police department shall be distributed to that municipal corporation's police department.

(B) The revenue collected from a surcharge imposed on construction that is located in the City of Laurel shall be distributed as follows:

(i) Fifty percent (50%) to Prince George's County fire and rescue services; and

(ii) Fifty percent (50%) to the Laurel police department for the construction or rehabilitation of public safety facilities or the purchase of equipment or communications devices used in connection with law enforcement.

(3) Revenue collected under this Section may be used only for:

(A) The construction or rehabilitation of public safety facilities;
or

(B) The purchase of equipment or communications devices used in connection with law enforcement, fire fighting, or emergency services activities, including protective body armor, surveillance devices, weapons, ladder trucks, ambulances, police cruisers, and rescue vehicles.

(f) Revenue collected under the public safety surcharge is intended to supplement funding for public safety facilities and equipment and may not supplant other County or State funding for public safety facilities and equipment.

(g) The County Executive of Prince George's County shall prepare an annual report on the public safety surcharge on or before March 1 of each year for the County Council of Prince George's County, the Prince George's County Senate Delegation, and the Prince George's County House Delegation, to include:

- (1) A detailed description of how the fees were expended; and
- (2) The amount of fees collected.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ October 1, 2013.

Approved by the Governor, May 16, 2013.