

**ENROLLED BILL**

-- Environmental Matters/Budget and Taxation --

Introduced by **Prince George's County Delegation**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Prince George's County - Public Safety Surcharge**  
3 **PG 307-05**

4 FOR the purpose of ~~requiring~~ authorizing the County Council of Prince George's  
5 County to impose by ordinance a certain public safety surcharge on certain new  
6 residential construction for which a ~~building permit is sought~~ preliminary plan  
7 has been approved after a certain date; ~~decreasing the amount of the surcharge~~  
8 ~~after a certain date~~; specifying that payment of the surcharge does not eliminate  
9 any authority to apply certain tests concerning the adequacy of public safety  
10 facilities under certain circumstances and subject to certain conditions; ~~requiring~~  
11 ~~certain distributions from the surcharge revenue to certain police and fire~~  
12 ~~departments to be used for certain purposes~~ requiring the governing body of  
13 Prince George's County to distribute revenue from the surcharge to police, fire,  
14 and emergency medical services in the County; requiring a certain percentage of  
15 the revenue from the surcharge imposed on construction in certain municipal  
16 corporations to be distributed to certain police departments; providing for the

1 distribution of the revenue from the surcharge imposed on construction in a  
 2 certain municipal corporation; requiring revenue collected from the surcharge to  
 3 be used for certain purposes; providing that the surcharge may not supplant  
 4 certain other funding; requiring the Prince George's County Executive to  
 5 prepare a certain annual report; providing for the periodic adjustment of  
 6 surcharges under this Act; and generally relating to a public safety surcharge in  
 7 Prince George's County.

8 BY adding to  
 9 The Public Local Laws of Prince George's County  
 10 Section 10-192.11  
 11 Article 17 - Public Local Laws of Maryland  
 12 (1999 Edition and 2002 Supplement, as amended)

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

15 **Article 17 - Prince George's County**

16 10-192.11.

17 (A) THE COUNTY COUNCIL, BY ORDINANCE, ~~SHALL~~ MAY IMPOSE A PUBLIC  
 18 SAFETY SURCHARGE ON NEW RESIDENTIAL CONSTRUCTION FOR WHICH A ~~BUILDING~~  
 19 ~~PERMIT IS APPLIED~~ PRELIMINARY PLAN HAS BEEN APPROVED BY THE COUNTY  
 20 COUNCIL ON OR AFTER ~~JANUARY 1, 2006~~ JULY 1, 2005.

21 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A  
 22 PUBLIC SAFETY SURCHARGE IMPOSED ON A SINGLE-FAMILY DETACHED DWELLING,  
 23 TOWN HOUSE, OR DWELLING UNIT FOR ANY OTHER BUILDING CONTAINING MORE  
 24 THAN A SINGLE DWELLING UNIT SHALL BE IN THE AMOUNT OF:

25 (A) ~~\$8,000 FROM JANUARY 1, 2006 THROUGH DECEMBER 31, 2006;~~  
 26 ~~AND~~

27 (B) ~~\$5,000 ON OR AFTER JANUARY 1, 2007.~~

28 (A) \$6,000; OR

29 (B) FOR CONSTRUCTION IN THE DEVELOPED TIER, AS DEFINED BY  
 30 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION IN THE 2002  
 31 PRINCE GEORGE'S COUNTY APPROVED GENERAL PLAN, \$2,000.

32 (2) THE PUBLIC SAFETY SURCHARGE DOES NOT APPLY TO A  
 33 SINGLE-FAMILY DETACHED DWELLING THAT IS TO BE BUILT OR SUBCONTRACTED  
 34 BY AN INDIVIDUAL OWNER IN A MINOR SUBDIVISION AND THAT IS INTENDED TO BE  
 35 USED AS THE OWNER'S PERSONAL RESIDENCE.

36 (3) THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY MAY WAIVE  
 37 ANY SURCHARGE IMPOSED UNDER SUBSECTION (B)(1)(B) OF THIS SECTION.

1 (C) THE PUBLIC SAFETY SURCHARGE SHALL BE PAID BY THE SELLER AT THE  
2 TIME A BUILDING PERMIT IS ISSUED FOR THE DWELLING UNIT. THE PUBLIC SAFETY  
3 SURCHARGE MAY NOT BE CONSTRUED TO BE A SETTLEMENT COST.

4 ~~(D) PAYMENT OF THE PUBLIC SAFETY SURCHARGE DOES NOT ELIMINATE ANY~~  
5 ~~AUTHORITY TO APPLY ANY TEST CONCERNING THE ADEQUACY OF PUBLIC SAFETY~~  
6 ~~FACILITIES UNDER THE COUNTY'S ADEQUATE PUBLIC FACILITY ORDINANCE.~~

7 (D) (1) (A) SUBJECT TO SUBPARAGRAPH (B) OF THIS PARAGRAPH,  
8 PAYMENT OF THE PUBLIC SAFETY SURCHARGE REQUIRES THAT ANY TEST  
9 CONCERNING THE ADEQUACY OF THE COUNTY'S POLICE FACILITIES UNDER THE  
10 COUNTY'S ADEQUATE PUBLIC FACILITY ORDINANCE SHALL BE BASED ON THE  
11 COUNTY POLICE RESPONSE TIME APPLIED:

12 (I) IN THE VICINITY OF THE PROPERTY THAT IS THE  
13 SUBJECT OF A PRELIMINARY SUBDIVISION PLAN APPLICATION; AND

14 (II) IN AREAS THAT ARE WITHIN REASONABLE PROXIMITY OF  
15 THE PROPERTY.

16 (B) IF THE PROPERTY THAT IS THE SUBJECT OF A PRELIMINARY  
17 SUBDIVISION PLAN APPLICATION IS LOCATED IN THE RURAL TIER, PAYMENT OF THE  
18 PUBLIC SAFETY SURCHARGE REQUIRES THAT ANY TEST CONCERNING THE  
19 ADEQUACY OF THE COUNTY'S POLICE FACILITIES BE BASED ON RESPONSE TIMES  
20 FROM WITHIN THE RURAL TIER.

21 (2) PAYMENT OF THE PUBLIC SAFETY SURCHARGE REQUIRES THAT ANY  
22 TEST CONCERNING THE ADEQUACY OF THE COUNTY'S FIRE AND EMERGENCY  
23 MEDICAL SERVICES:

24 (A) BE BASED SOLELY ON A RESPONSE TIME FOR THE FIRST DUE  
25 STATION IN THE VICINITY OF THE PROPERTY THAT IS THE SUBJECT OF A  
26 PRELIMINARY SUBDIVISION PLAN; AND

27 (B) MAY NOT REQUIRE LESS THAN 7 MINUTES TRAVEL TIME AS  
28 DETERMINED BY THE COUNTY FIRE CHIEF.

29 (E) (1) SUBJECT TO PARAGRAPH (2) PARAGRAPHS (2) AND (3) OF THIS  
30 SUBSECTION, REVENUE COLLECTED UNDER THE PUBLIC SAFETY SURCHARGE  
31 SHALL BE DISTRIBUTED AS FOLLOWS:

32 ~~(A) 50% TO THE PRINCE GEORGE'S COUNTY POLICE DEPARTMENT;~~

33 ~~(B) 30% TO THE PRINCE GEORGE'S COUNTY FIRE/EMS (EMERGENCY~~  
34 ~~MEDICAL SERVICES) DEPARTMENT; AND~~

35 ~~(C) 20% TO THE PRINCE GEORGE'S COUNTY VOLUNTEER FIRE~~  
36 ~~COMMISSION.~~

1           (2)    (A)    ~~REVENUE DISTRIBUTED UNDER PARAGRAPH (1)(A) OF THIS~~  
2 ~~SUBSECTION MAY BE USED ONLY TO PAY FOR THE PURCHASE OR REHABILITATION~~  
3 ~~OF POLICE FACILITIES AND EQUIPMENT, INCLUDING PROTECTIVE BODY ARMOR,~~  
4 ~~CRIME TRACKING TECHNOLOGY, PHOTO IMAGING EQUIPMENT, SURVEILLANCE~~  
5 ~~DEVICES, WEAPONS, AMMUNITION, AND COMMUNICATION DEVICES.~~

6           (B)    ~~REVENUE DISTRIBUTED UNDER PARAGRAPH (1)(B) AND (C) OF~~  
7 ~~THIS SUBSECTION MAY BE USED ONLY TO PAY FOR THE PURCHASE OR~~  
8 ~~REHABILITATION OF FIRE AND RESCUE FACILITIES AND CAPITAL EQUIPMENT,~~  
9 ~~INCLUDING ELEVATED EQUIPMENT, PUMPERS, TANKERS, LADDER TRUCKS,~~  
10 ~~AMBULANCES, AND RESCUE VEHICLES BY THE GOVERNING BODY OF PRINCE~~  
11 ~~GEORGE'S COUNTY TO POLICE, FIRE, AND EMERGENCY MEDICAL SERVICES IN THE~~  
12 ~~COUNTY.~~

13           (2)    (A)    AT LEAST 12% OF THE REVENUE COLLECTED FROM A  
14 SURCHARGE IMPOSED ON CONSTRUCTION THAT IS LOCATED IN A MUNICIPAL  
15 CORPORATION THAT MAINTAINS A POLICE DEPARTMENT SHALL BE DISTRIBUTED TO  
16 THAT MUNICIPAL CORPORATION'S POLICE DEPARTMENT.

17                   (B)    THE REVENUE COLLECTED FROM A SURCHARGE IMPOSED ON  
18 CONSTRUCTION THAT IS LOCATED IN THE CITY OF LAUREL SHALL BE DISTRIBUTED  
19 AS FOLLOWS:

20                           (I)    50% TO PRINCE GEORGE'S COUNTY FIRE AND RESCUE  
21 SERVICES; AND

22                           (II)   50% TO THE LAUREL POLICE DEPARTMENT FOR THE  
23 CONSTRUCTION OR REHABILITATION OF PUBLIC SAFETY FACILITIES OR THE  
24 PURCHASE OF EQUIPMENT OR COMMUNICATIONS DEVICES USED IN CONNECTION  
25 WITH LAW ENFORCEMENT.

26           (3)    REVENUE COLLECTED UNDER THIS SECTION MAY BE USED ONLY  
27 FOR:

28                   (A)    THE CONSTRUCTION OR REHABILITATION OF PUBLIC SAFETY  
29 FACILITIES; OR

30                   (B)    THE PURCHASE OF EQUIPMENT OR COMMUNICATIONS  
31 DEVICES USED IN CONNECTION WITH LAW ENFORCEMENT, FIRE FIGHTING, OR  
32 EMERGENCY SERVICES ACTIVITIES, INCLUDING PROTECTIVE BODY ARMOR,  
33 SURVEILLANCE DEVICES, WEAPONS, LADDER TRUCKS, AMBULANCES, POLICE  
34 CRUISERS, AND RESCUE VEHICLES.

35    (F)    REVENUE COLLECTED UNDER THE PUBLIC SAFETY SURCHARGE IS  
36 INTENDED TO SUPPLEMENT FUNDING FOR PUBLIC SAFETY FACILITIES AND  
37 EQUIPMENT AND MAY NOT SUPPLANT OTHER COUNTY OR STATE FUNDING FOR  
38 PUBLIC SAFETY FACILITIES AND EQUIPMENT.

39    (G)    THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY SHALL PREPARE  
40 AN ANNUAL REPORT ON THE PUBLIC SAFETY SURCHARGE ON OR BEFORE MARCH 1

1 OF EACH YEAR FOR THE COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, THE  
2 PRINCE GEORGE'S COUNTY SENATE DELEGATION, AND THE PRINCE GEORGE'S  
3 COUNTY HOUSE DELEGATION, TO INCLUDE:

4 (1) A DETAILED DESCRIPTION OF HOW THE FEES WERE EXPENDED; AND

5 (2) THE AMOUNT OF FEES COLLECTED.

6 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~  
7 ~~October 1, 2005.~~

8 SECTION 2. AND BE IT FURTHER ENACTED, That the public safety  
9 surcharges established under this Act shall be in effect for fiscal year 2006 and,  
10 beginning in fiscal year 2007, the County Council of Prince George's County, by  
11 resolution, shall adjust the surcharges any public safety surcharge established under  
12 this Act each year by the percentage change in the consumer price index for all urban  
13 consumers from the previous fiscal year published by the federal Department of  
14 Labor.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 July 1, 2005.