
By: **Prince George's County Delegation**
 Introduced and read first time: February 11, 2005
 Assigned to: Environmental Matters

Committee Report: Favorable with amendments
 House action: Adopted
 Read second time: March 24, 2005

CHAPTER_____

1 AN ACT concerning

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

4 FOR the purpose of requiring the County Council of Prince George's County to impose
 5 by ordinance a certain public safety surcharge on certain new residential
 6 construction for which a ~~building permit is sought~~ preliminary plan has been
 7 approved after a certain date; ~~decreasing the amount of the surcharge after a~~
 8 ~~certain date~~; specifying that payment of the surcharge does not eliminate any
 9 authority to apply certain tests concerning the adequacy of public safety
 10 facilities; ~~requiring certain distributions from the surcharge revenue to certain~~
 11 ~~police and fire departments to be used for certain purposes~~ requiring the
 12 governing body of Prince George's County to distribute revenue from the
 13 surcharge to police, fire, and emergency medical services in the County;
 14 requiring a certain percentage of the revenue from the surcharge imposed on
 15 construction in certain municipal corporations to be distributed to certain police
 16 departments; requiring revenue collected from the surcharge to be used for
 17 certain purposes; providing that the surcharge may not supplant certain other
 18 funding; requiring the Prince George's County Executive to prepare a certain
 19 annual report; providing for the periodic adjustment of surcharges under this
 20 Act; and generally relating to a public safety surcharge in Prince George's
 21 County.

22 BY adding to
 23 The Public Local Laws of Prince George's County
 24 Section 10-192.11
 25 Article 17 - Public Local Laws of Maryland

1 (1999 Edition and 2002 Supplement, as amended)

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

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

5 10-192.11.

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

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

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

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

17 (A) \$6,000; OR

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

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

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

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

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

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

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

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

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

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

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

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

22 (3) REVENUE COLLECTED UNDER THIS SECTION MAY BE USED ONLY
23 FOR:

24 (A) THE CONSTRUCTION OR REHABILITATION OF PUBLIC SAFETY
25 FACILITIES; OR

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

31 (F) REVENUE COLLECTED UNDER THE PUBLIC SAFETY SURCHARGE IS
32 INTENDED TO SUPPLEMENT FUNDING FOR PUBLIC SAFETY FACILITIES AND
33 EQUIPMENT AND MAY NOT SUPPLANT OTHER COUNTY OR STATE FUNDING FOR
34 PUBLIC SAFETY FACILITIES AND EQUIPMENT.

35 (G) THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY SHALL PREPARE
36 AN ANNUAL REPORT ON THE PUBLIC SAFETY SURCHARGE ON OR BEFORE MARCH 1
37 OF EACH YEAR FOR THE COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, THE
38 PRINCE GEORGE'S COUNTY SENATE DELEGATION, AND THE PRINCE GEORGE'S
39 COUNTY HOUSE DELEGATION, TO INCLUDE:

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

2 (2) THE AMOUNT OF FEES COLLECTED.

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

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

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