

HOUSE BILL 1432

L2

3lr3035

By: **Prince George's County Delegation**

Introduced and read first time: February 18, 2013

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Public Safety Surcharge**

3 **PG 421–13**

4 FOR the purpose of altering the amount of the public safety surcharge that the Prince
5 George's County Council may impose on certain construction in an area
6 included in a basic plan or conceptual site plan that abuts an existing or
7 planned mass transit rail station site operated by the Washington Metropolitan
8 Area Transit Authority; updating a reference to a certain Prince George's
9 County Approved General Plan; and generally relating to the amount of the
10 public safety surcharge in Prince George's County.

11 BY repealing and reenacting, with amendments,
12 The Public Local Laws of Prince George's County
13 Section 10–192.11
14 Article 17 – Public Local Laws of Maryland
15 (2007 Edition and 2010 Supplement, as amended)

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

18 **Article 17 – Prince George's County**

19 10–192.11.

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

23 (b) (1) Except as provided in paragraph (3) of this Subsection, a public
24 safety surcharge imposed on a single–family detached dwelling, town house, or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 dwelling unit for any other building containing more than a single dwelling unit shall
2 be in the amount of:

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

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

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

11 (II) **AN AREA INCLUDED IN A BASIC PLAN OR**
12 **CONCEPTUAL SITE PLAN THAT ABUTS AN EXISTING OR PLANNED MASS TRANSIT**
13 **RAIL STATION SITE OPERATED BY THE WASHINGTON METROPOLITAN AREA**
14 **TRANSIT AUTHORITY.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (g) The County Executive of Prince George's County shall prepare an annual
34 report on the public safety surcharge on or before March 1 of each year for the County

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1 Council of Prince George's County, the Prince George's County Senate Delegation, and
2 the Prince George's County House Delegation, to include:

3 (1) A detailed description of how the fees were expended; and

4 (2) The amount of fees collected.

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