



**COMPILATION OF LAWS
ENACTED UNDER THE
EXPRESS POWERS ACT
BY THE
COUNTY COUNCIL OF
PRINCE GEORGE'S COUNTY, MARYLAND
2015**

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2015

Preface

Pursuant to the requirements of Section 9-206, Local Government Article, Annotated Code of Maryland, there is hereby provided a compilation of all laws enacted by the County Council of Prince George's County, Maryland, in calendar year 2015. A short caption of the contents of each law and the full text of all laws enacted in 2015 under the "Express Powers Act" that are general in application and which add to, amend, or repeal the Public Local Laws of Prince George's County and the Prince George's County Code are included.

An asterisk (*) after the Chapter Number in the Index indicates that the full text of the law is printed in this compilation. All other laws are those clearly not enacted under the Express Powers Act.

TABLE 1

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| Chapter 1 | -- | To authorize in accordance with State law, the Maryland-National Capital Park and Planning Commission to acquire two parcels of real property consisting of approximately 5.6 acres, known as 7721 Polk Street, Lanham, Maryland, from 7721 Polk Street LLC, for transportation purposes. |
| Chapter 2 | -- | To provide a general definition for routine maintenance in the Zoning Ordinance; clarifying the definition of routine maintenance in a Development Plan within the Mixed Use Town - Center Zone; and adding routine maintenance or repairs to the required explanations in the preparation of a Mixed-Use Town Center Development Plan required in the Mixed-Use Town Center Zone. |
| Chapter 3 | -- | To clarify that the full amount of the consideration paid to a room remarketer through an intranet transaction is subject to the County's hotel tax. |
| Chapter 4 | -- | To provide, in furtherance of the public safety, health, and welfare of the County, a limited exception to the prohibited use of barbed wire on fences and walls for regulated public utilities. |
| Chapter 5* | -- | To define coal tar pavement products; to prohibit the use of coal tar pavement products; to prohibit the sale of coal tar pavement products; to provide for alternatives and outreach of this Act; to provide for enforcement and penalties for violations of this Act; and generally relating to coal tar pavement products. |
| Chapter 6* | -- | To define relevant terms; to prohibit the sale or provision of certain expanded polystyrene food service products by food service businesses; to prohibit the sale or provision of polystyrene loose fill packaging; to provide for education and outreach; to provide for exemptions to the ban; to provide for enforcement; and generally regarding expanded polystyrene and environmentally acceptable food service products and packaging materials. |
| Chapter 7* | -- | To amend the provisions of the Rain Check Rebate Program, to reflect the intent of CB-86-2014, by modifying the rebate amount for cisterns at residential properties and clarifying language relating to rebates for green roofs. |

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| Chapter 8* | -- | To upgrade existing classes of work in the Classification Plan for Prince George's County |
| Chapter 9 | -- | To amend the Zoning Ordinance to clarify that a Hospital is a permitted use in the Mixed-Use-Transportation Oriented (M-X-T)/ Development District Overlay (D-D-O) Zones, notwithstanding any other applicable provision of law or comprehensive plan. |
| Chapter 10 | -- | To permit commercial uses in the Rural Residential (R-R) Zone, under certain circumstances. |
| Chapter 11 | -- | To approve the Prince George's County portion of the Maryland-National Capital Park and Planning Commission budget and making appropriations and levying certain taxes for Fiscal Year 2016 for the Maryland-National Capital Park and Planning Commission, pursuant to the provisions of the Land Use Article of the Annotated Code of Maryland, as amended |
| Chapter 12 | -- | To establish a tax credit for real property equipped with accessibility features. |
| Chapter 13 | -- | To make appropriations for the support of the County government and for the Prince George's Community College and for the schools, institutions, departments, offices, boards, commissions, and agencies of Prince George's County, and for other purposes, for the fiscal year beginning July 1, 2015, and ending June 30, 2016; adopting the current expense budget, the capital improvement program, and the capital budget prepared according to the Charter of Prince George's County and submitted by the County Executive to the County Council; appropriating the items of expense in said current expense budget; establishing rates of reimbursement for subsistence expenses for employees of the County; providing for the inclusion of all State, Federal and private grants received subsequent to adoption of the current expense budget; imposing the applicable income and special area tax rates under the public general laws and public local laws of Maryland; all to be known as the Annual Budget and Appropriation Ordinance of Prince George's County for Fiscal Year 2016. |
| Chapter 14 | -- | To provide for employment or training center as a permitted temporary use in the R-R Zone, under certain circumstances. |

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| Chapter 15 | -- | To permit an artist's studio, barber shop, beauty shop, and medical practitioner's office in certain residential zones under certain circumstances. |
| Chapter 16 | -- | To permit Assisted Living Facilities, Congregate Living Facilities, and Nursing or Care Homes in the M-X-T (Mixed Use – Transportation Oriented) and M-X-C (Mixed Use Community) Zones, subject to certain requirements. |
| Chapter 17 | -- | To provide a minor plan amendment process for approved comprehensive plans, functional plans, development district plans, and associated approved Development District Overlay (D-D-O) Zones. |
| Chapter 18* | -- | To update the County's erosion and sediment control regulations to be consistent with the State of Maryland's revised erosion sediment control regulations and the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control (Standards and Specifications), as adopted by the Maryland Department of Environment in January 2012, and incorporating by reference the Prince George's County Stormwater Design Manual. |
| Chapter 19 | -- | To revise the telecommunications tax rate. |
| Chapter 20 | -- | To set the recordation tax rate. |
| Chapter 21 | -- | To revise the hotel and motel tax rate. |
| Chapter 22 | -- | To permit a group residential facility in the M-X-T (Mixed Use-Transportation Oriented) Zone under certain circumstances. |
| Chapter 23 | -- | To amend the provisions of the M-X-T Zone and the Comprehensive Design Zones to be consistent with the findings for adequate public facilities in Subtitle 24. |
| Chapter 24 | -- | To permit Vehicle, Mobile Home, Camping Trailer, and Boat Sales and Service uses in the C-S-C (Commercial Shopping Center) Zone, under certain circumstances. |
| Chapter 25 | -- | To provide certain alternate development regulations as to the location, density, size, height, and other provisions for buildings and structures in the M-X-T (Mixed Use – Transportation Oriented) Zone, under certain circumstances. |
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| Chapter 26* | -- | To prohibit parking in front of mailboxes in the County and providing for exemptions. |
| Chapter 27 | -- | To require that fifty percent (50%) of the County revenue derived from video lottery facilities be allocated to public education purposes, subject to certain conditions. |
| Chapter 28 | -- | To define Ownership Lot and Parent Lot and providing an exemption from the requirement of a preliminary plan of subdivision for the establishment of Ownership Lots within commercial, industrial, institutional and or multi-family residential lots in certain circumstances. |
| Chapter 29* | -- | To amend the findings for adequacy of public facilities and road improvements to permit participation in the funding of roadway improvements, under certain circumstances. |
| Chapter 30* | -- | To add certain fees; increasing certain fees; amending provisions of the County Code to remove fee references directly from the County Code that fall under the Department of Permitting, Inspections and Enforcement; requiring the Department of Permitting, Inspections and Enforcement to publish an annual comprehensive Table of Fees submitted by the County Executive to be approved by the County Council after legislative review and approval by resolution, after notice and public hearing; providing that this Act shall be retroactively effective to July 1, 2015; and generally relating to fees. |
| Chapter 31 | -- | To declare additional revenue and appropriating to the General Fund to provide for costs that were not anticipated and included in the Approved Fiscal Year 2015 Budget, and providing an adjustment to revenue estimates to the Internal Service Fund and Special Revenue Fund. |
| Chapter 32 | -- | To permit public safety fraternal organization private clubs in the residential Estate (R-E) Zone under certain circumstances and making related amendments in the Open Space (O-S) Zone. |
| Chapter 33 | -- | To extend the time for abrogation of certain provisions of Section 27-547(b) of the Zoning Ordinance. |
| Chapter 34* | -- | To amend the Prince George's County Fire Safety Code to adopt the standards of the National Fire Protection Association regarding increasing administrative fees for apartment buildings related to fire safety. |

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| Chapter 35 | -- | To clarify the Uses Permitted provision of the Zoning Ordinance permitting a group residential facility in the M-X-T (Mixed Use-Transportation Oriented) Zone under certain circumstances. |
| Chapter 36* | -- | To provide certain limited exemptions to County licensing and health requirements for Food Truck Hubs, in order to encourage economic development, increase public access to healthy food options, minimize or eliminate food deserts in underserved areas of the County, and promote innovative entrepreneurship and revitalization in furtherance of the public safety, health, and welfare of the citizens and residents of Prince George's County. |
| Chapter 37* | -- | To clarify fixed locations for food service facilities for temporary periods and providing certain limited exemptions to County licensing and health requirements for Food Truck Hubs in order to encourage economic development, increase public access to healthy food options, minimize or eliminate food deserts in underserved areas of the County, and promote innovative entrepreneurship and revitalization in furtherance of the public safety, health, and welfare of the citizens and residents of Prince George's County. |
| Chapter 38* | -- | To establish a business license for Special Food Service Facilities - Mobile Units |
| Chapter 39* | -- | To establish an annual Local Business Participation Procurement Report, requiring the report to be annually provided to the County Council and the County Executive, and generally relating to County-based business assistance. |
| Chapter 40* | -- | To add a class series and upgrade existing classes of work. |
| Chapter 41 | -- | To provide certain alternate development regulations for townhouses in the R-S (Residential Suburban Development) Zone, under certain circumstances. |
| Chapter 42 | -- | To amend the Commercial Use Table to permit multifamily projects in the C-S-C (Commercial Shopping center) Zone, under certain circumstances. |
| Chapter 43 | -- | To allow certain minor changes to a Special Exception site plan for Planned Retirement Communities to be made by the Planning Board. |

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| Chapter 44 | -- | To shorten and establish more consistent time periods for the reviews by the Planning Board and the District Council of Comprehensive Design Plans, Conceptual Site Plans, Detailed Site Plans, and Specific Design Plans, and generally relating to development plan reviews. |
| Chapter 45 | -- | To establish the Military Installation Overlay ("M-I-O") Zone, providing procedures and restrictions for designation and approval of the M-I-O Zone, and to provide use restrictions, development regulations, site plan provisions, and permitting requirements for the M-I-O Zone in the Zoning Ordinance. |
| Chapter 46* | -- | To amend the Landlord-Tenant Code to provide certain age restricted senior lessees with twenty-four month residential leases; to provide for the administration and notice of the Program; and generally relating to senior rental leases in age restricted senior housing in the County. |
| Chapter 47* | -- | To ensure enforcement and penalties for littering; prohibiting the accumulation or deposit of litter; providing for action upon noncompliance; providing for civil monetary fines and injunctive relief; providing for removal of litter from sidewalks and debris from roadways; and generally relating to litter. |
| Chapter 48 | -- | For the purpose of creating a Transportation Services Improvement Fund; imposing a per-trip surcharge on certain transportation network services to finance the Fund; providing for disbursements from the Fund to be used for transportation purposes; and generally regarding Transportation Network Services. |
| Chapter 49 | -- | To permit additional uses on a private school campus, including medical uses, under certain circumstances. |
| Chapter 50 | -- | To amend the method for meeting the minimum acreage requirement for Churches or other Places of Worship applicable to a daycare center for children that is associated with a church that has off-site parking. |
| Chapter 51* | -- | To require the decertification of businesses that are improperly certified as minority business enterprises. |
| Chapter 52 | -- | To approve the labor agreement by and between Prince George's County, Maryland and Council 67, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO, and its affiliated Local 241 to provide for |

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| | | wages and certain other terms and conditions of employment for personnel classifications certified by the Prince George's County Public Employee Relations Board. |
| Chapter 53 | -- | To approve the labor agreement by and between Prince George's County, Maryland and Council 67, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO, and its affiliated Locals 2462, 2735, 3389 and 1170 to provide for wages and certain other terms and conditions of employment for personnel classifications certified by the Prince George's County Public Employee Relations Board. |
| Chapter 54* | -- | To establish a fifteen-business-day goal as to the issuance of building and grading permits for projects enrolled in the Department of Permitting, Inspections and Enforcement's Peer Review Program, subject to certain conditions. |
| Chapter 55 | -- | To establish a process to develop and review the County's Local Impact Grant Funds Multiyear Plan. |
| Chapter 56 | -- | To define Business Advancement and Food Access Infill in the Zoning Ordinance, creating a consolidated review process to encourage Business Advancement and Food Access Infill, and permitting the use Business Advancement and Food Access Infill in the R-10 (Multifamily High Density Residential) Zone, under certain circumstances. |
| Chapter 57 | -- | To exempt tents affixed to the side wall of an eating or drinking establishment building, under certain circumstances. |
| Chapter 58 | -- | To amend the Residential Table of Uses to permit "Eating or drinking establishment, excluding drive-through service" and "Monopoles and related equipment buildings and enclosures" uses in the O-S (Open Space) Zone, under certain specified circumstances, and clarifying within the Residential Table of Uses that certain dwellings types are permitted in the R-R (Rural Residential) Zone and may obtain a grading permit upon approval of a Detailed Site Plan without a certification of said Detailed Site Plan. |
| Chapter 59 | -- | To extend a rebuttable presumption for the enforcement of illegal signs and illegal posters in a County right-of-way, and generally regarding illegal signs and illegal posters. |
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| Chapter 60 | | To temporarily extend the validity periods of all approved applications for Detailed Site Plans and Specific Design Plans that were in a valid status as of January 1, 2015 and for the District Council to establish a work group to determine viability of approved detailed site plans and specific design plans. |
| Chapter 61 | -- | To define a Private Limousine Service Dispatching Station in the Zoning Ordinance and permitting the use in the I-3 (Planned Industrial Employment Park) Zone, under certain circumstances. |
| Chapter 62 | -- | To provide a definition for tobacco shop and electronic cigarette shop uses in the Zoning Ordinance; amending the Mixed Use Zones Table of Uses to prohibit electronic cigarette shop uses in the M-U-TC (Mixed Use – Town Center) Zone; providing an amortization period by June 1, 2017, for electronic cigarette shop uses in the M-U-TC Zone that are not in compliance with the requirements of the Zoning Ordinance; amending the Commercial Zones Table of Uses and Mixed Use Table of Uses to permit new and existing tobacco shop and electronic cigarette shop uses by Special Exception in the C-A (Ancillary Commercial), C-S-C (Commercial Shopping Center), C-W (Commercial – Waterfront), C-R-C (Commercial Regional Center), M-X-T (Mixed Use - Transportation Oriented), M-X-C (Mixed Use – Community), and M-U-I (Mixed Use – Infill) Zones; providing approval criteria for approval of Special Exceptions for tobacco shop and electronic cigarette shop uses; and providing that Special Exception applications for tobacco shop or electronic cigarette shop uses legally existing on January 1, 2016, must be accepted for filing by the Planning Board on or before June 1, 2017. |
| Chapter 63 | -- | To amend certain requirements regarding Planning Board notice and technical staff reports. |
| Chapter 64 | -- | To remove a restriction on new access and parking improvements for established multifamily housing developments in Prince George's County. |
| Chapter 65 | -- | To permit townhouses in the R-55 (One-Family Detached Residential) and R-18 (Multifamily Medium Density Residential) Zones, under certain specified circumstances. |
| Chapter 66 | -- | To clarify that the Uses Permitted provision of the Zoning Ordinance permitting a group residential facility in the M-X-T (Mixed Use- Transportation Oriented) Zone, under certain |

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| | | circumstances. |
| Chapter 67* | -- | To define electronic cigarettes, regulating distribution, placement and packaging of electronic cigarettes, and restricting smoking of electronic cigarettes inside of public housing, senior citizen housing, and eating and drinking establishments. |
| Chapter 68 | -- | To amend provisions of the County Code to revise the penalty for the consumption and possession of alcoholic beverages in public. |
| Chapter 69* | -- | To add a class title and grade for a certain class of work and to upgrade existing classes of work. |
| Chapter 70 | -- | To require any tax lien against property in the County to be charged and added to the property owner's next property tax bill. |
| Chapter 71 | -- | To establish a tax credit for real property that is used for urban agricultural purposes. |
| Chapter 72 | -- | To establish the homestead property tax credit for the County property tax for the taxable year beginning July 1, 2016 |
| Chapter 73 | -- | To add to the definition of tangible personal property; requiring reporting to a certain database; requiring a certain fee to be paid directly to a designated business retained for certain reporting; and generally regarding secondhand dealers and pawn dealers. |
| Chapter 74 | -- | To temporarily extend the validity periods of all approved applications for Preliminary Plans of Subdivision that was in a valid status as of January 1, 2015 and for the County Council to establish a work group to determine viability of approved preliminary plans. |
| Chapter 75 | -- | To clarify the time periods for Planning Board review of applications for preliminary plans and final plats of subdivision. |
| Chapter 76* | -- | To increase the penalty for conducting or operating a single-family or multi-family rental facility without a license. |
| Chapter 77 | -- | For the purpose of incorporating urban street design standards set forth within <i>Plan Prince George's 2035</i> for Regional Transit Districts and Local Centers in Prince George's County. |

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| Chapter 78* | -- | To amend certain definitions and enforcement procedures for food service facilities to comply with recent changes to the Code of Maryland Regulations 10.15.03 and generally relating to food service facilities and food service manager certifications |
| Chapter 79* | -- | To update the provisions of the Building Code of Prince George's County (the "County") to conform to the 2015 Editions of the International Building Code, the International Mechanical Code, the International Energy Conservation Code and the International Residential Code for One- and Two-Family Dwellings. |
| Chapter 80* | -- | To update the Prince George's County Electrical Ordinance by adopting certain amendments pursuant to the 2014 Edition of the National Electrical Code and amending certain sections to include modifications related to the Electrical Code. |
| Chapter 81 | -- | To require the Director of Finance to pay a Renters' Property Tax Relief Supplement to certain residents who qualify for a certain payment under State law. |
| Chapter 82 | -- | To pledge the Tax Increment from the Suitland-Naylor Road Development District (the "Development District") established pursuant to Sections 12-201 through 12-213, inclusive, of the Economic Development Article of the Annotated Code of Maryland, as amended (the "Tax Increment Financing Act") and CR-94-2014 of the County Council of Prince George's County, Maryland (the "Formation Resolution") as security for revenue bonds (the "Bonds") to be issued by the Revenue Authority of Prince George's County (the "Revenue Authority") under Sections 21A-101 through 21A-307 of the Prince George's County Code (the "County Code"), the proceeds of which will be used by the Revenue Authority and/or the Redevelopment Authority of Prince George's County (the "Redevelopment Authority") for purposes of acquiring and assembling land and improvements, paying entitlement fees, financing working capital and financing improvements related to the Development District, including, but not limited to, financing the costs of roads, streets, water and sewer utilities, and financing other costs and improvements permitted to be undertaken by the Revenue Authority and/or the Redevelopment Authority, in each case for the development of various properties within the Development District into mixed-use projects which may include a performing arts center with a theatre, a town center, retail, residential, office and other |

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| | | commercial development, along with financing costs of issuance, underwriter's discount, and the funding of reserves for the Bonds; approving the inclusion in the Revenue Authority's Capital Improvement Program of the foregoing project and the undertaking thereof by the Revenue Authority, including the deposit of funds by the Revenue Authority into a reserve fund for the Bonds, in each case as required under Section 21A-119 of the Prince George's County Code; making certain findings and determinations, among others, concerning the public benefit and purpose of the pledging of such Tax Increment as security for the Bonds and the undertaking of the foregoing project by the Revenue Authority; providing for the delivery of a contribution agreement (the "Contribution Agreement") whereby the County will agree to contribute the Tax Increment to the Revenue Authority to pay debt service, including any early redemptions, on the Bonds (and administrative expenses with respect to the Development District); and authorizing the County Executive of the County to approve certain details, forms, documents or procedures in connection with the pledge of the Tax Increment and the Bonds to be issued by the Revenue Authority and any other matters necessary or desirable in connection with the pledge of the Tax Increment and the authorization, issuance, delivery and payment of such Bonds consistent with the provisions of this Act. |
| Chapter 83 | -- | To declare additional revenue and appropriating to the General Fund to provide funds for costs that were not anticipated in the Approved Fiscal Year 2016 Budget. |
| Chapter 84 | -- | To authorize and empower Prince George's County, Maryland to issue and sell an amount not to exceed One Hundred Fifteen Million Eight Hundred One Thousand Dollars (\$115,801,000) in aggregate principal amount of general obligation bonds with serial maturities, including mandatory sinking fund installments in lieu of serial maturities, for the purpose of providing funds for financing in whole or in part costs of the planning, construction, reconstruction, establishment, extension, enlargement, demolition, improvement or acquisition of certain capital projects set forth in the capital budget of the County for the Fiscal Year ending June 30, 2015, or usable portions thereof, including describing the capital projects to be financed in whole or in part from the proceeds of the bonds hereby authorized and the estimated costs and probable useful lives thereof; prescribing or providing for the procedures for the issuance and sale of such bonds at public sale; declaring the County's official intent to |

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| | <p>reimburse itself for certain expenditures paid before the issuance of the bonds authorized hereby in accordance with applicable Income Tax Regulations; authorizing the consolidation of such bonds with other bonds for purposes of such sale; showing compliance with the power of the County to incur indebtedness; directing the application of the proceeds of such bonds; pledging the full faith and credit and taxing power of the County to the payment of such bonds and providing for the levy and collection of taxes necessary for the payment of the principal of and interest on such bonds when due; authorizing and empowering the County to issue and sell an amount not to exceed One Hundred Fifteen Million Eight Hundred One Thousand Dollars (\$115,801,000) in general obligation bond anticipation notes in anticipation of the issuance and sale of the bonds authorized hereby; providing for the issuance of such bond anticipation notes in the form of commercial paper or revolving loan notes; providing for the issuance of such bond anticipation notes and the bonds authorized hereby in the form of variable rate demand obligations; authorizing certain determinations to be made in connection with the sale of any such bond anticipation notes; authorizing the consolidation of such bond anticipation notes with other notes for purposes of such sale; pledging the full faith and credit and taxing power of the County to the payment of such bond anticipation notes and providing for the levy and collection of taxes necessary for the payment of the principal of and interest on such bond anticipation notes when due and covenanting to issue the bonds in anticipation of which such notes are issued; authorizing and empowering the County to issue, sell and deliver general obligation refunding bonds for the purpose of refunding all or a part of the bonds authorized hereby in an aggregate principal amount not to exceed 150% of the outstanding principal amount of the bonds to be refunded thereby, the proceeds of such refunding bonds to be used for the public purpose of providing funds sufficient to pay the principal of, redemption premium, if any, and interest on such refunded bonds at the respective maturity, redemption, and interest payment dates of such refunded bonds; prescribing or providing for the procedure for the issuance and sale of such refunding bonds; empowering the County Executive to determine the time and method for the sale of such refunding bonds and other details with respect to the sale of such refunding bonds; pledging the full faith and credit of the County to the payment of such refunding bonds and the interest on such refunding bonds, when due, and providing for the levy and collection of taxes necessary for the payment of</p> |
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| | | the principal of and interest on such refunding bonds when due; showing compliance with the limitations on the power of the County to incur indebtedness; covenanting or providing for the making of certain covenants on matters relating to the tax-exempt status of interest on such bonds, bond anticipation notes and refunding bonds, as applicable; providing for compliance with Securities and Exchange Commission Rule 15c2-12; providing for the authorization of and entry into interest rate exchange agreements or contracts in connection with or incidental to any of the obligations authorized by this Act; authorizing the County Executive to delegate to appropriate officials the power to make certain determinations and sign certain documents, certificates or agreements authorized to be made or signed by the County Executive herein; and otherwise generally determining or providing for the County Executive herein; and otherwise generally determining or providing for the determination of certain matters in connection with the issuance, sale and delivery of the general obligation bonds, bond anticipation notes and refunding bonds authorized by this Act. |
| Chapter 85 | -- | To provide supplementary appropriations to the Systemic Replacements, Forward Funded Projects, Major Renovations Projects, and Major Repairs Projects; decreasing appropriations to the Contingency Appropriation Fund, Forward Funded Projects and Tulip Grove Elementary School Replacement; and amending the Approved Fiscal Year 2016-2021 Capital Improvement Program with regard to expenditures and financing beyond the budget year. |
| Chapter 86* | -- | To create a Commission on Common Ownership Communities; providing for the powers and authority of the Commission on Common Ownership Communities; providing for periodic reports and review of the activities of the Commission on Common Ownership Communities; and generally relating to the Commission on Common Ownership Communities. |
| Chapter 87* | -- | To enhance the County's Common Ownership Communities Program by providing for violations, charges, and fees; and generally relating to Common Ownership Communities. |
| Chapter 88* | -- | To amend the Common Ownership Communities Program to assist governing bodies, owners, and residents of homeowners' associations, residential condominiums, and cooperative housing corporations with education, training, and alternative dispute resolution procedures in matters relating to |

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| | | these communities; and generally regarding Common Ownership Communities. |
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PRINCE GEORGE'S COUNTY

LAWS OF 2015

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-6-2015

Chapter No. 5

Proposed and Presented by Council Members Lehman and Taveras

Introduced by Council Members Lehman, Taveras, Franklin, Davis and Glaros

Co-Sponsors _____

Date of Introduction March 31, 2015

BILL

1 AN ACT concerning

2 Coal Tar Pavement Products Ban

3 For the purpose of defining coal tar pavement products; prohibiting the use of coal tar pavement
4 products; prohibiting the sale of coal tar pavement products; providing for alternatives and
5 outreach of this Act; providing for and enforcement and penalties for violations of this Act; and
6 generally relating to coal tar pavement products.

7 WHEREAS, coal tar pavement product is a thick black or brown liquid that is a byproduct
8 of the carbonization of coal for the steel industry or the gasification of coal for the steel industry
9 or the gasification of coal to make coal gas; and

10 WHEREAS, coal tar pavement products are applied to asphalt and concrete surfaces and
11 are used to seal the following: parking lots, driveways, recreational trails, airport runways and
12 lots, and playgrounds to protect surfaces from sunlight, water, debris, chemical spills and leaks;
13 and

14 WHEREAS, studies by the U.S. Geological Survey have identified coal-tar based sealcoat
15 as a major source of polycyclic aromatic hydrocarbon (PAH) contamination in urban areas for
16 large parts of the Nation. Several PAHs are suspected human carcinogens and are toxic to
17 aquatic life; and

18 WHEREAS, the estimated lifetime cancer risk is 38 times higher for people who live near a
19 coal tar pavement product for their lifetime; and

20 WHEREAS, cost effective coal tar free pavement products are available which are not
21 major sources of PAH contamination; and

1 WHEREAS, several jurisdictions including: Austin, Texas, Washington D.C., Dane
 2 County, Wisconsin, Montgomery County, Maryland, and several suburbs of Minneapolis,
 3 Minnesota has banned the use of coal-tar-based sealcoat. Similar bans are under consideration in
 4 other jurisdictions.

5 BY adding:

6 SUBTITLE 19. POLLUTION.
 7 Sections 19-148, 19-149, 19-150, 19-151,
 8 and 19-152,
 9 The Prince George's County Code
 10 (2011 Edition; 2014 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's
 12 County, Maryland, that Sections 19-148, 19-149, 19-150, 19-151, and 19-152
 13 of the Prince George's County Code be and the same are hereby added:

14 SUBTITLE 19. POLLUTION.
 15 DIVISION 6. COAL TAR PAVEMENT
 16 PRODUCTS BAN.

17 **Sec.19-148. Definitions**

18 (a) For the purposes of this Act, the following terms shall mean:

19 (1) Coal tar pavement product means a material that contains coal tar and is
 20 intended to cover an asphalt or concrete surface, including, but not limited to a driveway or
 21 parking area.

22 (2) Director means the Director of the Department of the Environment or the
 23 Director's designee.

24 **Sec. 19-149. Prohibition on use of coal tar pavement products.**

25 (a) A person shall not use a coal tar pavement product in the County.

26 (b) Both the property owner and the applicator has violated this Section if a coal tar
 27 pavement product is applied to an asphalt or concrete surface on the property.

28 **Sec. 19-150. Prohibition on sale of coal tar pavement products.**

29 (a) A person shall not sell or offer for sale a coal tar pavement product in the County.

30 **Sec. 19-151. Alternatives and Outreach.**

31 (a) By July 1, 2015, the Director shall publish a list of alternative products for use on

1 asphalt and concrete that does not contain a coal tar pavement product.

2 (b) The Department of the Environment must conduct an education and outreach campaign
 3 before and during implementation of the provisions of this Act. This campaign shall
 4 include:

5 (1) informational mailers to and direct contact with affected property owners and
 6 contractors; and

7 (2) distribution of information through County internet and web based resources; and

8 (3) news releases and news events.

9 **Sec. 19-152. Enforcement and Penalties.**

10 (a) The Director or the Director's designee shall enforce this Act.

11 (b) No person or entity shall willfully violate any provision of this Act. The violation of
 12 any such prohibited or unlawful act or offense, or a misdemeanor, shall be punished by a fine not
 13 exceeding One Thousand Dollars (\$1,000).

14 (c) For each violation, each day of the violation shall constitute an offense and the
 15 penalties prescribed shall apply separately to each offense.

16 (d) Violators shall remediate the surface of the coal tar pavement product to which coal tar
 17 was applied.

18 (e) The County Attorney or any affected party may file an action in court with jurisdiction
 19 to enjoin repeated violations of this Section.

20 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 21 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 22 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 23 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 24 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
 25 Act, since the same would have been enacted without the incorporation in this Act of any such
 26 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
 27 or section.

28 SECTION 3. BE IT FURTHER ENACTED that Section 19-151 of this Act shall take
 29 effect on July 1, 2015.

30 SECTION 4. BE IT FURTHER ENACTED that, subject to [Section 19-151] Section 19-
 31 152 of this Act shall take effect on January 1, 2016.

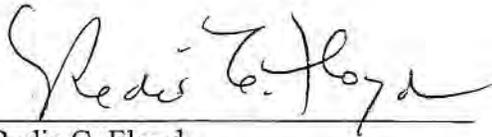
Adopted this 21st day of April, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND



BY: _____
Mel Franklin
Chairman

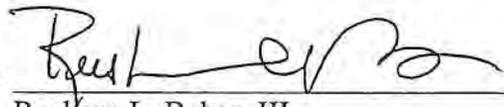
ATTEST:



Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: 5/1/2015

BY:  _____
Rushern L. Baker, III
County Executive

Prince George's County Council Agenda Item Summary

Meeting Date: 4/21/2015
Reference No.: CB-006-2015
Draft No.: 2
Proposer(s): Lehman, Taveras
Sponsor(s): Lehman, Taveras, Franklin, Davis, Glaros
Item Title: An Act concerning a Coal Tar Pavement Products Ban for the purpose of defining coal tar pavement products; prohibiting the use of coal tar pavement products; prohibiting the sale of coal tar pavement products; providing for alternatives and outreach of this Act; providing for and enforcement and penalties for violations of this Act; and generally relating to coal tar pavement products.

Drafter: Kathleen H. Canning, Legislative Officer
Resource Personnel: Matthew A. Dernoga, Policy Analyst District 1

LEGISLATIVE HISTORY:

| | | | |
|----------------------------|--|--------------------------|------------|
| Date Presented: | 3/3/2015 | Executive Action: | 5/1/2015 S |
| Committee Referral: | 3/3/2015 - THE | Effective Date: | 6/16/2015 |
| Committee Action: | 3/26/2015 - FAV(A) | | |
| Date Introduced: | 3/31/2015 | | |
| Public Hearing: | 4/21/2015 - 1:30 PM | | |
| Council Action (1) | 4/21/2015 - ENACTED | | |
| Council Votes: | DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:A, DT:A, KT:A, TT:A | | |
| Pass/Fail: | P | | |
| Remarks: | | | |

AFFECTED CODE SECTIONS:

19-150, 19-151, 19-152, 19-153, 19-154

COMMITTEE REPORTS:

Transportation Housing and Environment

Date 3/26/2015

Committee Vote: Favorable, 5-0 with amendments (In favor: Council Members Lehman, Turner, Glaros, Taveras and Franklin)

CB-6-2015 concerns Coal Tar Pavement Products Ban for the purpose of defining coal tar pavement products; prohibiting the use of coal tar pavement products; prohibiting the sale of coal tar products. This bill also provides alternatives and outreach of this act; provides for enforcement and penalties for violations of this act. Staff oriented the Committee along with all legislative comments.

Cherie Muller, Barbara Mahler, and Peter VanMeter of the United States Geological Survey; Jeff Selzer of The District of Columbia's Department of the Environment; Jim Foster of the Anacostia Watershed Society and Fred Pinkney of the United States Fish and Wildlife Society provided additional information to the Committee and spoke in support of the bill.

The Office of Law finds the CB-6-2015 is in proper legislative form and saw no legal impediment to its adoption.

The Office of Audits & Investigations found that enactment of CB-6-2015 may have a minimal fiscal impact on the County related to costs of educational and outreach campaigns; however costs may be absorbed within DoE's appropriated budget.

CB-6-2015 was amended as follows:

On page 3, in line 30, strike "Section 19-151" and substitute "Section 19-152".

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This bill will ban the use and sale of coal tar in the County. In addition, the bill provides for alternatives, outreach, enforcement and penalties for violations.

Section 19-151 of CB-6-2015 (DR-2) is effective July 1, 2015.

Section 19-152 of CB-6-2015 (DR-2) is effective January 1, 2016.

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-5-2015
Chapter No. 6
Proposed and Presented by Council Members Lehman, Glaros and Taveras
Introduced by Council Members Lehman, Glaros and Taveras
Co-Sponsors _____
Date of Introduction April 7, 2015

BILL

1 AN ACT concerning

2 Expanded Polystyrene Ban

3 For the purpose of defining relevant terms; prohibiting the sale or provision of certain expanded
4 polystyrene food service products by food service businesses; prohibiting the sale or provision of
5 polystyrene loose fill packaging; providing for education and outreach; providing for exemptions
6 to the ban; providing for enforcement; and generally regarding expanded polystyrene and
7 environmentally acceptable food service products and packaging materials.

8 WHEREAS, expanded polystyrene is a petroleum-derived plastic-like material used
9 for food service ware. The foam form, known as expanded polystyrene is commonly used
10 to make disposable plates, cups, bowls and other items; and

11 WHEREAS, approximately 1 million tons of expanded polystyrene plates, cups and other
12 food ware are disposed of in the United States every year; and

13 WHEREAS, the National Research Council has recently upheld the listing of polystyrene
14 "reasonably anticipated to be a human carcinogen;" and

15 WHEREAS, expanded polystyrene is a pollutant found in our watersheds. The County is
16 under an Environmental Protection Agency mandate to remove 170,628 pounds of trash from the
17 Anacostia Watershed by the end of 2018 and set benchmarks for 2015 and 2017 (which are
18 tentatively set for 62,000 pounds of trash in 2015 and 125,000 in 2017); and

19 WHEREAS, expanded polystyrene is not commonly recycled because of food
20 contamination concerns and expanded polystyrene's high volume to weight ratio complicates
21 transportation of the material. The Environmental Protection Agency estimates that less than one

1 percent of all polystyrene produced in the United States is recycled; and

2 WHEREAS, environmentally friendly and cost effective alternatives to the use of expanded
3 polystyrene are available, such as: reusable equipment (trays, cups and silverware) and the use
4 of paper and other products made from recycled content and which are also compostable,
5 biodegradable, and/or recyclable; and

6 WHEREAS, the regional jurisdictions of the District of Columbia and Montgomery
7 County have established an expanded polystyrene ban in their respective jurisdictions.

8 BY adding:

9 SUBTITLE 19. POLLUTION.
10 Sections 19-139, 19-140, 19-141,
11 19-142, 19-143, and 19-144,
12 The Prince George's County Code
13 (2011 Edition; 2014 Supplement).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
15 Maryland, that Sections 19-139, 19-140, 19-141, 19-142, 19-143, and 19-144, of the
16 Prince George's County Code be and the same are hereby added:

17 SUBTITLE 19. POLLUTION.

18 DIVISION 5. EXPANDED POLYSTYRENE BAN.

19 **Sec. 19-139. Definitions.**

20 (a) For the purposes of this Act, the following terms shall mean:

21 (1) Expanded polystyrene means blown polystyrene and expanded and
22 extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and
23 processed by a number of techniques, including fusion of polymer spheres (expandable bead
24 polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam
25 polystyrene).

26 (2) Expanded polystyrene food service products means food containers,
27 plates, hot and cold beverage cups, meat and vegetable trays, egg cartons and other products
28 made of expanded polystyrene and used for selling, providing, or serving foods that are intended
29 by the manufacturer to be used once for eating or drinking or generally recognized by the public
30 as items to be discarded after one use.

31 (3) Food Service business means a full-service restaurant, limited-service restaurant,

1 fast food restaurant, café, delicatessen, coffee shop, supermarket, grocery store, vending truck or
 2 cart, food truck, business or institutional cafeteria, including those operated by or on behalf of
 3 County departments and agencies, and other business selling or providing food within the
 4 County for consumption on or off the premises.

5 (4) Polystyrene loose fill packaging means a void-filling packaging product
 6 made of expanded polystyrene that is used as packaging fill. Polystyrene loose fill packaging is
 7 commonly referred to as packing peanuts.

8 **Sec. 19-140. Prohibition on sale or provision of expanded polystyrene food service**
 9 **products and polystyrene loose fill packaging.**

10 (a) A food service business shall not sell or provide food in expanded
 11 polystyrene food service products, regardless of where the food will be consumed.

12 (b) Subsection (a) shall not apply to prepackaged soup or other food that a food
 13 service business sells or otherwise provides to its customers in expanded polystyrene containers
 14 that have been filled and sealed prior to receipt by the food service business.

15 (c) Subsection (a) shall not apply to food or beverages that were filled and sealed in
 16 expanded polystyrene containers outside of the County before a food service business received
 17 them, or

18 (d) to materials used to package raw, uncooked or butchered meat, fish, poultry, or
 19 seafood for off-premises consumption.

20 (e) A person shall not sell or offer for sale in the County polystyrene loose fill
 21 packaging.

22 **Sec. 19-141 Education and Outreach.**

23 (a) The Department of Environment shall conduct an education and outreach campaign
 24 before and during implementation of the provisions of this Act. This campaign should
 25 include:

26 (1) Informational mailers to and direct contact with affected businesses; and

27 (2) Distribution of information through County internet and web-based resources; and

28 (3) News releases and news events.

29 **Sec. 19-142. Prohibition on Sale.**

30 (a) A person shall not sell or offer for sale in the County an expanded polystyrene food
 31 service product.

1 (b) A person shall not sell or offer for sale in the County polystyrene loose fill packaging.

2 **Sec. 19-143. Exemptions and Temporary Waiver.**

3 (a) The Director may, consistent with this subtitle, waive any specific requirements
 4 of for a period of up to one year if a food service business demonstrates that strict application of
 5 the requirements would create an undue hardship or practical difficulty not generally applicable
 6 to other food service businesses in similar circumstances

7 **Sec. 19-144. Enforcement.**

8 (a) No person or entity shall willfully violate any provision of this Act. The violation of
 9 any such prohibited or unlawful act or offense, or a misdemeanor, shall be punished with a
 10 warning for a first time violation, \$250 fine for a second time violation, and by a fine of One
 11 Thousand Dollars (\$1,000) for a third time violation within a twelve month period. Each day a
 12 violation exists is a separate offense.

13 (b) The Department of the Environment shall oversee the enforcement of this Act and may
 14 partner with inspectors of other departments to address violations, as determined in this Act.

15 (c) The County Attorney or any affected party may file an action in court with jurisdiction
 16 to enjoin repeated violations of this Section.

17 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 18 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 19 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 20 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 21 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
 22 Act, since the same would have been enacted without the incorporation in this Act of any such
 23 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
 24 or section.

25 SECTION 3. BE IT FURTHER ENACTED that Section 19-141 of this Act shall take effect
 26 on January 1, 2016.

27 SECTION 4. BE IT FURTHER ENACTED that, notwithstanding Section 3 of this Act, this
 28 Act shall take effect on July 1, 2016.

29
 30

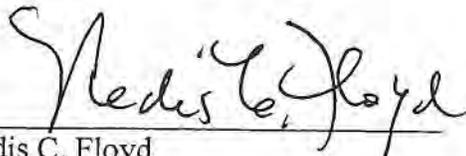
Adopted this 28th day of April, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: 

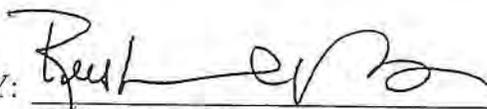
Mel Franklin
Chairman

ATTEST:



Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: 5-12-2015 BY: 

Rushern L. Baker, III
County Executive

Prince George's County Council Agenda Item Summary

Meeting Date: 4/7/2015
Reference No.: CB-005-2015
Draft No.: 2
Proposer(s): Lehman, Glaros, Taveras
Sponsor(s): Lehman, Glaros, Taveras
Item Title: An Act concerning the Expanded Polystyrene Ban for the purpose of defining relevant terms; prohibiting the sale, use or provision of certain expanded polystyrene food service products by food service businesses; providing for exceptions to the ban; providing for enforcement; and generally regarding expanded polystyrene.

Drafter: Kathleen H. Canning, Legislative Officer
Resource Personnel: Matthew A. Dernoga, Policy Analyst District 1

LEGISLATIVE HISTORY:

| | | | |
|----------------------------|----------------|--------------------------|-------------|
| Date Presented: | 3/3/2015 | Executive Action: | 5/12/2015 S |
| Committee Referral: | 3/3/2015 - THE | Effective Date: | 1/1/2016 |

Committee Action: 4/2/2015 - FAV(A)

Date Introduced: 4/7/2015
Public Hearing: 4/28/2015 - 1:30 PM

Council Action (1) 4/28/2015 - ENACTED
Council Votes: DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:A, DT:A, KT:A, TT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

19-139, 19-140, 19-141, 19-142, 19-143, 19-144

COMMITTEE REPORTS:

Transportation, Housing and Environment

Date 4/2/2015

Committee Vote: Favorable, 4-0 with amendments (In favor: Council Members (Lehman, Turner, Glaros, and Taveras))

CB-5-2015 concerns the expanded Polystyrene Ban for the purpose of defining relevant terms, prohibiting the sale, use or provision of certain expanded polystyrene food service products by food service business. This bill also provides for exceptions to the ban, and provides for enforcement.

Amendments

1. On page 1, in line 3, strike “ , use”. On page 1, in line 5, strike the first “use”. On page 1, in line 5, strike “requiring” down through “ware;” in line 6.
2. On page 2, in line 13, after “19-143” insert “and”. On page 2, in line 13, strike beginning with “19-145” down

through "19-147," in line 14. On page 2, in line 18, after "19-143" insert "and". On page 2, in line 19, strike "19-145, 19-146, 19-147".

3. On page 2, strike lines 25-31. On page 3, strike lines 1-15. On page 3, in line 16, strike "(6)" and substitute "(1)". On page 3, in line 21, strike "(7)" and substitute "(2)". On page 3, in line 26, strike "(8)" and substitute "(3)". On page 3, in line 31, strike "(9)" and substitute "(4)".

4. On page 4, in line 15, strike the first comma, and substitute "or"; in line 15, after "sale" strike ", or use".

5. On page 4, strike lines 17-31. On page 5, strike lines 1-11.

6. On page 5, in line 13, after "Department" insert "of".

7. On page 5, strike lines 23-31. On page 6, strike line 1. On page 6, in line 2, strike "(b)" and substitute "(a)". On page 6, in line 8, after "misdemeanor," insert: " shall be punished with a warning for a first time violation, \$250 fine for a second time violation, and by a fine of One Thousand Dollars (\$1,000) for a third time violation within a twelve month period." On page 6, in line 9, strike "not" and in line 10, strike "exceeding".

8. On page 6, in lines 13 and 14, strike "Section 19-148". On page 6, in line 16, strike "Section 19-148".

9. On page 6, strike lines 17-19.

10. On page 6, in line 28, strike "Section 19-147" and substitute "Section 19-141". On page 6, in line 29, strike "July 1, 2015" and substitute "January 1, 2016." On page 6, strike lines 30-31. On page 7, strike lines 1-5 and substitute "SECTION 4. BE IT FURTHER ENACTED that notwithstanding Section 3, this Act shall take effect July 1, 2016."

Staff oriented the Committee along with all legislative comments.

March 26th, 2015

Bill Held in Committee

Staff oriented the Committee along with all legislative comments

Dan Smith, of the Anacostia Water Shed; Donna Wilson of the Prince Georges Chamber of Commerce, Patrick Donolo of the Maryland Retailers Association, Melvin Thompson of the Restaurant Association of Maryland, Billye Pounds of Giant Foods and Jeff Selzer of the District of Columbia's Department of Energy provided additional information to the Committee.

The Office of Law finds the CB-5-2015 is in proper legislative form and saw no legal impediments to its adoption.

The Office of Audits & Investigations found that enactment of CB-5-2015 will have a minimal fiscal impact on the County related to educational and outreach costs; these costs may however be offset by monies collected as fines for violations. The office also stated that CB-5-2015 protects public health and follows in the footsteps of neighboring jurisdictions by helping to remove human carcinogens from watersheds and landfills.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This bill bans the sale, use and the provision of expanded polystyrene food service products regardless of where the food will be consumed. The bill provides for some exceptions to the ban.

CB-5-2015 (DR-2) provides that Sec. 19-141 shall take effect on 1/1/2016. Secs. 19-139, 19-140, 19-142, 19-143 and 19-144 shall take effect on 7/1/2016.

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-9-2015
Chapter No. 7
Proposed and Presented by The Chairman (by request – County Executive
Introduced by Council Members Turner, Lehman, Taveras, Franklin,
Davis, Patterson and Glaros
Date of Introduction April 21, 2015

BILL

1 AN ACT concerning

2 Subtitle 32 – Water Resources Protection and Grading Code

3 For the purpose of amending the provisions of the Rain Check Rebate Program, to reflect the
4 intent of CB-86-2014, by modifying the rebate amount for cisterns at residential properties and
5 clarifying language relating to rebates for green roofs.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 32. WATER RESOURCES
8 PROTECTION AND GRADING CODE.
9 Section 32-201.03,
10 The Prince George's County Code
11 (2011 Edition; 2014 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
13 Maryland, that Section 32-201.03 of the Prince George's County Code be and the same is hereby
14 repealed and reenacted with the following amendments:

15 **SUBTITLE 32. WATER RESOURCES PROTECTION AND GRADING CODE.**

16 **DIVISION 3. STORMWATER MANAGEMENT.**

17 **SUBDIVISION 4. STORMWATER MANAGEMENT RETROFIT PROGRAM.**

18 **Sec. 32-201.03. Rebates.**

19 * * * * *

20 (j) The following techniques will be made available for rebates:
21

| Technique | Residential One or more techniques may be installed for a lifetime maximum rebate of \$4,000 per property. | Commercial, Homeowner Associations, Condominium Associations, Civic Associations, Multi-Family Dwelling, Non Profits, Not-for-Profit Organizations One or more techniques may be installed for a lifetime maximum rebate of \$20,000 per property. |
|--------------------|--|--|
| Urban Tree Canopy | \$150/tree | \$150/tree |
| Rain Barrels | \$2/gallon stored (must capture 50 gallons) | \$2/gallon stored (Must capture 100 gallons) |
| Cisterns | \$12/gallon stored, 250 gallons minimum | \$2/gallon stored, 250 gallons minimum |
| Rain Garden | \$10/square foot minimum size 100 square feet | \$10/square foot minimum size 100 square feet |
| Permeable Pavement | \$12/square foot | \$12/square foot 400 square foot minimum |
| Pavement Removal | \$6/square foot | \$6/square foot; 400 square foot minimum |
| Green Roofs | \$10/[sq.ft.] square foot; minimum ¼ roof retrofit | \$10 [sq.ft.]/square foot – if less than 6” of planting material \$20 [sq. ft.]/square foot if over 6” of planting material; minimum ¼ roof retrofit |

1 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 2 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 3 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 4 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 5 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
 6 Act, since the same would have been enacted without the incorporation in this Act of any such
 7 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
 8 or section.

9 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
 10 calendar days after it becomes law.

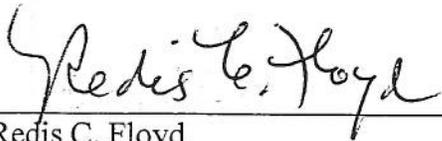
Adopted this 12th day of May, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND



BY: _____
Mel Franklin
Chairman

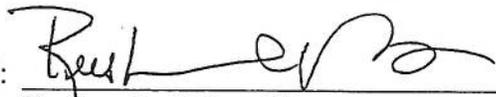
ATTEST:



Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: 5-29-2015

BY:  _____
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

Prince George's County Council Agenda Item Summary

Meeting Date: 5/12/2015
Reference No.: CB-009-2015
Draft No.: 1
Proposer(s): County Executive
Sponsor(s): Turner, Lehman, Taveras, Franklin, Davis, Patterson, Glaros
Item Title: An Act amending Subtitle 32 – Water Resources Protection and Grading Code concerning the Rain Check Rebate Program

Drafter: Jeff DeHan, Department of the Environment
Resource Personnel: Jeff DeHan, Department of the Environment

LEGISLATIVE HISTORY:

| | | | |
|----------------------------|--|--------------------------|-------------|
| Date Presented: | 3/17/2015 | Executive Action: | 5/29/2015 S |
| Committee Referral: | 3/17/2015 - THE | Effective Date: | 7/14/2015 |
| Committee Action: | 3/26/2015 - FAV | | |
| Date Introduced: | 4/21/2015 | | |
| Public Hearing: | 5/12/2015 - 10:00 AM | | |
| Council Action (1) | 5/12/2015 - ENACTED | | |
| Council Votes: | DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:A, DT:A, KT:A, TT:A | | |
| Pass/Fail: | P | | |
| Remarks: | | | |

AFFECTED CODE SECTIONS:

32-201.03

COMMITTEE REPORTS:

Transportation, Housing and the Environment

Date 3/26/2015

Committee Vote: Favorable, 3-0 (In favor: Council Members Lehman, Turner and Glaros)

CB-9-2015 amends the Rain Check Rebate Program, to reflect the intent of CB-86-2014 by modifying the rebate amount for cisterns and residential properties. This bill also seeks to clarify language related to rebates for green roofs. CB-86-2014 had expanded eligibility to homeowner, condominium and civic associations, increased the maximum rebate allowable and amended the types and amount of techniques available for the rebate. That bill also authorized rebate disbursement prior to construction for certain non-profits organizations.

Mr. Adam Ortiz, Director of the Prince Georges County's Department of the Environment (DOE), provided additional information to and answered questions to the Committee. Doug Alexander, with Back Yard Composting also provided some additional information and spoke in support of CB-9-2015.

The Office of Law finds the CB-9-2015 is in proper legislative form and saw no legal impediments to its adoption.

The Office of Audits & Investigations found that enactment of CB-9-2015 will have a minimal negative fiscal impact

on the County's Storm-water Management District fund to the extent that rebates are granted. However, these rebates encourage economic development, promote green initiatives, promote growth and assist in helping the County meet its obligations under the Clean Water Act. Therefore, the resulting benefits received by the County may outweigh or offset the negative impact of the rebates.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This Bill amends the provisions of the Rain Check Rebate Program, to reflect the intent of CB-86-2014, by modifying the rebate amount for cisterns at residential properties and clarifying language relating to rebates for green roofs.

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-11-2015

Chapter No. 8

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Members Franklin and Lehman

Co-Sponsors _____

Date of Introduction April 14, 2015

BILL

1 AN ACT concerning

2 The Classification Plan for Prince George’s County

3 For the purpose of upgrading existing classes of work.

4 WHEREAS, the County Executive, pursuant to Section 903 of the Prince George’s County
5 Charter and Section 16-125(a) of Subtitle 16 of the Prince George’s County Code, has, in order
6 to provide better governmental services, recommended to the County Council amendments to the
7 Classification Plan for Prince George’s County with respect to certain classes of work described
8 within Section 1 of this Bill; now, therefore,

9 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
10 Maryland, that the Classification Plan for Prince George’s County, Maryland be and the same is
11 hereby amended as follows:

12
13 [3711A Animal Control Officer I, 3711A Animal Control Officer I,
14 A-11] [(\$28,896 – \$52,228)] A-15 (\$34,219 – \$63,109)

15
16 [3712A Animal Control Officer II, 3712A Animal Control Officer II,
17 A-13] [(\$31,038 - \$57,385)] A-17 (\$37,727 - \$69,352)

18
19 [3713A Animal Control Officer III, 3713A Animal Control Officer III,
20 A-16] [(\$35,931 - \$66,136)] A-19 (\$41,595 – \$76,307)

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3719G Animal Care Attendant,
G-13 (\$31,292 - \$60,882)

3720G Animal Care Attendant Supervisor,
G-16 (\$36,225 - \$70,478)

SECTION 2. BE IT FURTHER ENACTED this Act shall take effect forty-five (45) calendar days after it becomes law.

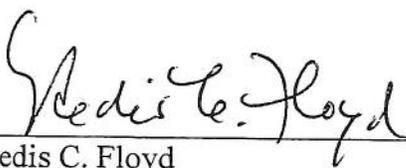
Adopted this 12th day of May, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND



BY: _____
Mel Franklin
Chairman

ATTEST:



Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: 5-29-2015

BY:  _____
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.

Prince George's County Council Agenda Item Summary

Meeting Date: 5/12/2015
Reference No.: CB-011-2015
Draft No.: 1
Proposer(s): County Executive
Sponsor(s): Franklin, Lehman
Item Title: An Act amending Prince George's County's Classification Plan to add the Animal Care Attendant class series

Drafter: Valerie A. Farrar, Office of Human Resources Management
Resource Personnel: Stephanye R. Maxwell, Office of Human Resources Management

LEGISLATIVE HISTORY:

| | | | |
|----------------------------|--|--------------------------|-------------|
| Date Presented: | 3/24/2015 | Executive Action: | 5/29/2015 S |
| Committee Referral: | 3/24/2015 - PSFM | Effective Date: | 7/14/2015 |
| Committee Action: | 4/2/2015 - FAV | | |
| Date Introduced: | 4/14/2015 | | |
| Public Hearing: | 5/12/2015 - 10:00 AM | | |
| Council Action (1) | 5/12/2015 - ENACTED | | |
| Council Votes: | DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:A, DT:A, KT:A, TT:A | | |
| Pass/Fail: | P | | |
| Remarks: | | | |

AFFECTED CODE SECTIONS:

COMMITTEE REPORTS:

Public Safety and Fiscal Management

Date 4/2/2015

REPORT: Committee Vote: Favorable, 4-0 (In favor: Council Members Patterson, Lehman, Taveras, and Turner)

CB-11-2015 amends the classification plan of the County by assigning the Animal Control Officer series to a higher grade and by adding the Animal Care Attendant series.

The bill as proposed will raise the grade of the Animal Control Officer series and add new class Animal Care Attendant. The Animal Care Attendant series had previously been performed by contractors.

Office of Human Resources Management (OHRM) has verified that there are eleven 11 County employees currently at the Animal Control Officer II level; two at the Animal Control Officer III level and no employees at the Animal Control Officer I series.

The Office of Audits and Investigations reports that as a result of the grade change the bill will have a negative fiscal impact on the County's budget in the amount of \$18,900.00.

The Office of Law finds the bill to be in proper legal form.

Office of Human Resources Management supports the bill.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This Bill is submitted pursuant to Section 903 of Article IX of the Prince George's County Charter and Section 16-125(a) of the Prince George's County Code. It proposes to add the Animal Care Attendant class series to the Classification Plan. The fiscal impact will be provided by the Office of Management and Budget.

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-36-2015

Chapter No. 18

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Members Franklin, Turner and Davis

Co-Sponsors _____

Date of Introduction June 2, 2015

BILL

1 AN ACT concerning

2 Erosion and Sediment Control and Stormwater Management

3 For the purpose of updating the County’s erosion and sediment control regulations to be
4 consistent with the State of Maryland’s revised erosion sediment control regulations and the
5 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control (Standards
6 and Specifications), as adopted by the Maryland Department of Environment in January 2012,
7 and incorporating by reference the Prince George’s County Stormwater Design Manual.

8 BY repealing and reenacting with amendments:

9 SUBTITLE 32. WATER RESOURCES

10 PROTECTION AND GRADING CODE.

11 Sections 32-105, 32-124, 32-125, 32-126, 32-127,

12 32-132, 32-141, 32-142, 32-143, 32-144, 32-145,

13 32-152, 32-153, 32-170, 32-171, 32-172, 32-175,

14 32-178, 32-179, 32-180, 32-182, 32-190, and 32-191

15 The Prince George's County Code

16 (2011 Edition; 2014 Supplement).

17 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
18 Maryland, that Sections 32-105, 32-124, 32-125, 32-126, 32-127, 32-132, 32-141, 32-142,
19 32-143, 32-144, 32-145, 32-152, 32-153, 32-170, 32-171, 32-172, 32-175, 32-178, 32-179,
20 32-180, 32-182, 32-190, and 32-191 of the Prince George's County Code be and the same are
21 hereby repealed and reenacted with the following amendments:

1 **SUBTITLE 32. WATER RESOURCES PROTECTION AND GRADING CODE.**

2 **DIVISION 1. ADMINISTRATIVE PROVISIONS.**

3 **SUBDIVISION 2. GENERAL PROVISIONS.**

4 **Sec. 32-105. Administration; Permits; Expiration of Permits; Correction of Code**
5 **Violations and Suspension or Revocation and Reissuance of Permits.**

6 (a) Any permit issued for grading pursuant to this Subtitle shall be issued only for a period
7 of time reasonably necessary to perform the work[, a period not to exceed 5 years], as defined in
8 Section 32-143. Where a permit is issued, extended, reissued, renewed or reinstated to correct a
9 violation, the permit shall not exceed ninety (90) days. The initial period of the permit shall be
10 established by the Director based upon the extent of the work required to correct the violation.
11 The permit may be extended or renewed beyond the ninety (90) days, only if the violations have
12 been corrected, [for an additional period of] in one-year increments if, in the opinion of the
13 Director, the applicant has demonstrated substantial progress to complete the work in accordance
14 with the permit and has demonstrated substantial justification for failure to complete the work
15 within the period of the permit. The Board of Appeals shall have no authority to grant an
16 extension to the period of the permit.

17 * * * * * * * * *

18 (c) A permit under which no work is commenced within one hundred eighty (180) days
19 after issuance shall expire and become null and void; provided, however, that the Director may
20 extend the time, as defined in Section 32-143, [not to exceed an additional one hundred eighty
21 (180) days] upon sufficient justification shown.

22 (d) A permit under which work has been started and later suspended or discontinued shall
23 expire and become null and void six (6) months after the work has stopped. Work will be
24 considered suspended when the permittee fails to prosecute the work so as to ensure completion
25 within a reasonable period of time.

26 * * * * * * * * *

27 (f) When a permit has expired for failure to commence work, it may be extended,
28 renewed, reissued or reinstated within a period of [thirty (30) days from the date of expiration]
29 60 days prior to the permit expiration date, if the project conditions are in substantial compliance
30 with this subtitle and State law under which the permit was originally issued. A written request
31 and payment of required renewal or extension fees must be received sixty (60 days) prior to the

1 permit expiration date. A fee shall be collected for each renewal, reissuance or reinstatement, as
 2 further defined in Section 32-143. [; provided, however, that no permit shall be renewed more
 3 than two (2) times.]

4 * * * * *

5 **DIVISION 2. GRADING, DRAINAGE AND [POLLUTION CONTROL]**
 6 **EROSION AND SEDIMENT CONTROL.**

7 **Sec. 32-124. Purpose.**

8 The purpose of this Division is to prevent property damage, protect living resources and
 9 prevent environmental degradation to safeguard the public’s health, safety, welfare and
 10 economic well-being by establishing minimum requirements for grading, reforestation,
 11 woodland conservation, drainage, erosion control and pollution discharge and control on land
 12 and to watercourses within Prince George’s County, Maryland, and to establish procedures by
 13 which these requirements are to be administered and enforced. It is the further purpose of this
 14 Division to implement the provisions of the [Environment Article-Title 4, Subtitle 1 of the
 15 Annotated Code of Maryland, so as to safeguard the natural resources of the County and of the
 16 State of Maryland by controlling erosion and sediment deposition on lands and in waters within
 17 the watersheds of the State and to prevent their pollution.] Code of Maryland Regulations
 18 (COMAR) 26.17.01, the 2011 Maryland Standards and Specifications (Standards and
 19 Specifications) and the Stormwater Act of 2007 (Act). Implementing this Ordinance will help
 20 reduce the negative impacts of land development on water resources, maintain the chemical,
 21 physical, and biological integrity of streams, and minimize damage to public and private
 22 property.

23 The provisions of this Ordinance pursuant to Title 4, Subtitle 1 of the Environment Article
 24 of the Annotated Code of Maryland are adopted under the authority of the County Code and shall
 25 apply to all land grading occurring within the County. The application of this Ordinance and the
 26 provisions expressed herein shall be the minimum erosion and sediment control requirements
 27 and shall not be deemed a limitation or repeal of any other powers granted by State statute.

28 **Sec. 32-125. Definitions.**

29 (a) Wherever the following words are used in, or in conjunction with, the administration of
 30 this Division, they shall have the following meaning:

- 31 (1) Act. Maryland Stormwater Act of 2007.

1 (2) **Administration.** Maryland Department of the Environment (MDE) Water
2 Management Administration (WMA).

3 (3) **Adverse impact.** Any deleterious effect on waters or wetlands, including their
4 quality, quantity, surface area, species composition, aesthetics, or usefulness for human or
5 natural uses, which are or may potentially be harmful or injurious to human health, welfare,
6 safety or property, biological productivity, diversity, or stability or that unreasonably interfere
7 with the enjoyment of life or property, including outdoor recreation.

8 [(1)] (4) **Afforestation.** The establishment of a biological community of perpetual
9 woodlands either through the planting of trees in an area from which trees have always or very
10 long been absent, or planting of open areas which are not presently in forest cover.

11 [(2)] (5) **Agricultural Land Management Practices.** Those methods and
12 procedures used in the cultivation of land in order to further crop and livestock production and
13 conservation of related soil and water resources. Logging and/or timber harvesting operations
14 shall not be considered a part of this definition.

15 (6) **Applicant.** Any person, firm, or government agency that executes the necessary
16 forms to apply for a permit or approval to carry out construction of a project.

17 (7) **Approval authority.** The entity responsible for the review and approval of
18 erosion and sediment control plans is the Prince George's Soil Conservation District.

19 [(3)] (8) **ASTM.** The American Society for Testing Materials.

20 [(4)] (9) **Bedrock.** The solid undisturbed rock in place either at the ground surface or
21 beneath surficial soil deposits.

22 (10) **Best management practice (BMP).** A structural device or nonstructural practice
23 designed to temporarily store or treat stormwater runoff in order to mitigate flooding, reduce
24 pollution, and provide other amenities.

25 [(5)] (11) **Borrow Pit.** The source of earth or bank-run sand and gravel from below
26 the ground surface by open pit excavation as a single incident on a site for use at a single
27 construction site elsewhere, otherwise, the excavation will be classed as open-pit mining.

28 [(6)] (12) **Building Pad.** The immediate site for a building including the area actually
29 covered, plus the adjacent peripheral fringe area having a reasonable slope away from the
30 building.

1 [(7)] (13) **Certification or to Certify.** A signed written statement that specific plans
2 and specifications, construction, inspections, or tests have been prepared and performed, and that
3 such comply with the requirements of this Division.

4 [(8)] (14) **Chesapeake Bay Critical Area.** All waters of and lands under the
5 Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands' maps;
6 and all State and private wetlands designated under the Annotated Code of Maryland, Natural
7 Resources Article, Title 9; and all land and water areas within one thousand (1,000) feet beyond
8 the landward boundaries of State or private wetlands and heads of tide designated under the
9 Annotated Code of Maryland, Natural Resources Article Title 9, as indicated on approved
10 Chesapeake Bay Critical Area Overlay Zoning Map Amendments.

11 [(9)] (15) **Class I Fill.** Load-bearing fills proposed for support of buildings, walls and
12 other structures, the function thereof which would be especially impaired by settlement.

13 [(10)] (16) **Class 2 Fill.** Load-bearing fills proposed for support of roadways,
14 pavements, rigid utility lines, house connections, and structures which would not be especially
15 impaired by moderate settlement.

16 [(11)] (17) **Class 3 Fill.** Common fills proposed for lawns, landscape plantings, or for
17 other nonload-bearing usage.

18 (18) **Clear.** To remove vegetation and the vegetative ground cover while leaving the
19 root mat intact.

20 [(12)] (19) **Compaction.** Densification of soil or rock fills by mechanical or other
21 acceptable procedures.

22 (20) **Concept plan.** The first of three plans submitted under the comprehensive
23 review and approval process required by the Act and described in COMAR 26.17.02 and shall
24 include the information necessary to allow an initial evaluation of a proposed project.

25 [(13)] (21) **Conservation Agreement.** A formal agreement which commits a grading
26 or building permit applicant to the execution of various approved elements of a Conservation
27 Plan, including a stormwater management concept plan, an erosion and sedimentation concept
28 plan, a vegetation management plan, and other plans which may be required by the Department
29 of Permitting, Inspections, and Enforcement or the Prince George's County Planning Board.

30 [(14)] (22) **Conservation Plan.** A plan developed in accordance with Subtitle 5B,
31 which demonstrates how a project has been designed to meet the specific Critical Area

1 Commission criteria. The Conservation Plan consists of an approved stormwater management
 2 concept plan, an approved sediment and erosion control plan, a vegetation management plan, and
 3 such other plans relating to environmental systems as may be required by the Washington
 4 Suburban Sanitary Commission, the Maryland-National Capital Park and Planning Commission,
 5 the Prince George's County Health Department, the Department or the Prince George's Soil
 6 Conservation District.

7 [(15)] **(23) Control Measures.** Structural or nonstructural devices or practices, or a
 8 combination thereof, which reduce pollutant discharges through control, treatment, prevention,
 9 management or monitoring measures and processes.

10 [(24)] **County.** Prince George's County Government.

11 [(16)] **(25) Cultivation.** Plowing, dicing, harrowing and tilling of existing farm fields
 12 for the production of crops and livestock.

13 [(17)] **(26) Department.** Department of Permitting, Inspections, and Enforcement.

14 [(18)] **(27) Director.** The Director of the Department of Permitting, Inspections, and
 15 Enforcement or the Director's designee.

16 [(19)] **(28) Discharge.** Any dumping, pumping, placement, storage, use, draining,
 17 handling, washing, tracking, spilling, leaking, transportation, conveyance or disposal practice or
 18 any other mechanism which may result in or may allow pollutants to enter onto land or within
 19 the watercourses of the County.

20 [(20)] **(29) Drainage.** Stormwater runoff, snow melt runoff, surface runoff or ground
 21 water flows.

22 [(30)] **Drainage area.** That area contributing runoff to a single point measured in a
 23 horizontal plane that is enclosed by a ridge line.

24 [(21)] **(31) Drainage System.** Any natural system or man-made device, mechanism or
 25 measure used in any manner for the collection, conveyance, management, treatment, disposition
 26 or disposal of drainage.

27 [(22)] **(32) Dust Free Surface.** A ground composed of rolled and compacted cinders,
 28 gravels or other approved nonabsorbent materials to prevent rising of dust on roads, access ways,
 29 driveways and parking lots.

30 [(23)] **(33) Embankment of Fill.** A deposit of soil, rock or other materials placed by
 31 man.

1 [(24)] (34) **Engineering Geology.** The application of geological data and principles to
 2 engineering problems dealing with naturally occurring rock and soil, for the purpose of assuring
 3 that geological factors are recognized and adequately interpreted in engineering practice.

4 [(35) **Environmental Site Design (ESD).** Using small-scale stormwater management
 5 practices, nonstructural techniques, and better site planning to mimic natural hydrologic runoff
 6 characteristics and minimize the impact of land development on water resources.

7 [(25)] (36) **Erosion.** The process by which the ground surface is worn away by the
 8 action of wind [and/or], water, ice, or gravity.

9 [(37) **Erosion and sediment control.** A system of structural and vegetative measures
 10 that minimizes soil erosion and off-site sedimentation.

11 [(26)] (38) **Erosion and Sediment Control Plan.** An erosion and sediment control
 12 strategy or plan, designed to minimize erosion and prevent off-site sedimentation [by containing
 13 sediment on site or by passing sediment laden runoff through a sediment control measure,
 14 prepared and approved in accordance with the specific requirements of the Prince George's Soil
 15 Conservation District and this Subtitle, and designed in accordance with the Standards and
 16 Specifications].

17 [(27)] (39) **Excavation or Cut.** An act, by which soil or rock is cut into, dug, quarried,
 18 uncovered, removed, displaced or relocated and shall include the conditions resulting therefrom.

19 [(40) **Exemption.** Those land development activities that are not subject to the erosion
 20 and sediment control requirements contained in this Ordinance.

21 [(28)] (41) **Existing Grade.** The vertical location of the existing ground surface prior
 22 to excavating or filling.

23 [(42) **Final Erosion and Sediment Control Plan.** The last of three (3) erosion and
 24 sediment control plans submitted under the comprehensive review and approval process required
 25 by the Act and described in COMAR 26.17.02. Final erosion and sediment control plans shall be
 26 prepared and approved in accordance with the specific requirements of the Prince George's Soil
 27 Conservation District and this Ordinance and designed in accordance with the Standards and
 28 Specifications.

29 [(29)] (43) **Finished or Proposed Grade.** The final grade or elevation of the ground,
 30 drainage or other structures conforming to the proposed design.

1 [(30)] (44) **Forest Stand Delineation (FSD)**. A detailed accounting of woody
2 vegetation prepared in plan and document form, as required by Subtitle 25.

3 [(31)] (45) **Grading**. Any stripping, removal of topsoil, excavating, filling,
4 stockpiling, grubbing, removing root mat or any combination thereof, including the condition
5 resulting therefrom.

6 [(32)] (46) **Grading Permit**. A permit issued to authorize work to be performed under
7 this Division. The permit for grading and/or site development intended as an incident to building
8 construction may be included as part of the building permit.

9 (47) **Grading unit**. The maximum contiguous area allowed to be graded at a given
10 time. For the purposes of this Ordinance, a grading unit is 20 acres or less.

11 (48) **Highly erodible soils**. Those soils with a slope greater than 15 percent or those
12 soils with a soil erodibility factor K, greater than 0.35 and with slopes greater than 5 percent.

13 (49) **Inspection Agency**. Means the Administration or, if delegated enforcement
14 authority, Prince George's County.

15 [(33)] (50) **Landscape Architect**. A person duly registered or authorized to practice
16 landscape architecture in the State of Maryland and qualified to prepare grading plans and
17 specifications.

18 [(34)] (51) **Load-Bearing Fill**. Fill placed in a controlled manner to support structure
19 foundations, vehicular traffic, or any earthwork which the instability thereof would constitute a
20 public hazard or nuisance.

21 (52) **Maximum extent practicable (MEP)**. Designing stormwater management
22 systems so that all reasonable opportunities for using ESD planning techniques and treatment
23 practices are exhausted and only where absolutely necessary is a structural BMP implemented.

24 [(35)] (53) **Mitigation**. The offsetting of forest values lost due to the destruction of
25 woodlands without a permit or contrary to an approved Tree Conservation Plan by replanting
26 woodlands or agreed upon means.

27 [(36)] (54) **Natural Ground Surface**. The ground surface in its original state before
28 any grading, excavation or filling.

29 [(37)] (55) **Net Tract Area**. For the purposes of woodland conservation, the gross
30 tract area minus the approved one hundred (100) year floodplain and areas previously dedicated
31 for public use.

1 [(38)] (56) **One Hundred (100) Year Floodplain.** That area which would be
2 inundated by a flood that has a one percent (1%) chance of being equaled or exceeded in any
3 given year.

4 [(39)] (57) **Open-Pit Mining.** The continuing or reoccurring removal of material from
5 below the ground surface by open excavation on a site for immediate or ultimate use at the same
6 or other site in processing and manufacturing of building and construction materials or any other
7 products, or at various locations elsewhere in its natural state.

8 (58) **Owner/Developer.** A person undertaking, or for whose benefit activities covered
9 by this Ordinance are carried on. General contractors or subcontractors, or both, without a
10 proprietary interest in a project are not included within this definition.

11 [(40)] (59) **Permittee.** Any person to whom a permit is issued pursuant to this
12 Division.

13 (60) **Person.** Includes the federal government, the State, any county, municipal
14 corporation, or other political subdivision of the State, or any of their units, or an individual,
15 receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or
16 any partnership, firm, association, public or private corporation, or any of their affiliates, or any
17 other entity.

18 [(41)] (61) **Pollutant.** Sediment runoff due to erosion.

19 [(42)] (62) **Ponding.** Water that remains on the ground surface in a single area larger
20 than sixteen (16) square feet for more than forty-eight (48) hours after a rain event where cold
21 weather conditions (such as, but not limited to, frozen ground or combined ice, snow or rain
22 event) are not a contributing factor in water remaining on the ground surface.

23 [(43)] (63) **Prince George's Soil Conservation District.** One (1) of twenty four (24)
24 soil conservation districts created pursuant to Subtitle 3 of the Agricultural Article of the
25 Annotated Code of Maryland.

26 [(44)] (64) **Professional Engineer.** A person duly registered or otherwise authorized
27 by the State of Maryland to practice in the field of engineering.

28 [(45)] (65) **Reforestation.** The re-establishment of a biological community of
29 perpetual woodlands through the planting of trees on areas from which trees were recently
30 removed.

31 [(46)] (66) **Refuse.** See "solid wastes (refuse)."

1 (67) Responsible personnel. Any foreman, superintendent, or project engineer who is
 2 in charge of on-site clearing and grading operations or the implementation and maintenance of an
 3 erosion and sediment control plan.

4 [(47)] (68) **Sediment.** Soils or other surficial materials transported or deposited by
 5 [surface water as a product of erosion] the action of wind, water, ice, gravity, or artificial means.

6 [(48)] (69) **Significant Drainage.** Surface drainage rates that exceed three (3) cubic
 7 feet per second based on the ten (10) year storm event as calculated by the Rational Method.

8 [(49)] (70) **Site.** [Any lot or parcel of land combination of contiguous lots or parcels of
 9 land.] Any tract, lot, or parcel of land, or combination of tracts, lots or parcels of land that are in
 10 one ownership, or are contiguous and in diverse ownership, where development is to be
 11 performed as part of a unit, subdivision, or project.

12 [(50)] (71) **Site Development.** The resulting condition of land improvements through
 13 the constructing, installing, placing or planting of: open and closed storm drainage facilities,
 14 stormwater management facilities, supporting foundations for utility lines and service (house)
 15 connections, parking lots, driveways, curbs, pavements, steps, sidewalks, bike paths, recreational
 16 facilities, patios, ground planters, ground covers, plantings, landscaping and logging and timber
 17 harvesting operations.

18 (72) **Site Development Plan.** The second of three (3) plans submitted under the
 19 comprehensive review and approval process required by the Act and described in COMAR
 20 26.17.02. A site development plan shall include the information necessary to allow a detailed
 21 evaluation of a proposed project.

22 [(51)] (73) **Slope.** The inclined exposed surface of a fill, excavation or natural terrain.

23 [(52)] (74) **Soil.** All earth material of whatever origin that overlies bedrock and may
 24 include the decomposed zone of bedrock which can be readily excavated by mechanical
 25 equipment.

26 [(53)] (75) **Soil Engineer.** A professional engineer who is qualified by education and
 27 experience to practice applied soil mechanics and foundation engineering.

28 [(54)] (76) **Solid Wastes (Refuse).** The same as defined in Subtitle 21 of this Code.

29 (77) **Stabilization.** The protection of exposed soils from erosion by the application of
 30 seed and mulch, seed and matting, sod, other vegetative measures, and/or structural means.

31 [(55)] (78) **Standards and Specifications.** [The current version of the "Maryland

1 Standards and Specifications for Soil Erosion and Sediment Control” as adopted by the Prince
 2 George’s Soil Conservation District.] The “2011 Maryland Standards and Specifications for Soil
 3 Erosion and Sediment Control” and any subsequent revisions.

4 (79) Stormwater. Water that originates from a precipitation event.

5 (80) Stormwater Management System. Natural areas, ESD practices, stormwater
 6 management measures, and any other structure through which stormwater flows, infiltrates, or
 7 discharges from a site.

8 [(56)] (81) Stripping. Any activity which removes or significantly disturbs the
 9 vegetation surface cover including clearing, grubbing of stumps and root mat and top soil
 10 removal.

11 [(57)] (82) Structural Rock Fills. Fills including limited amounts of rubble, broken
 12 asphalt, brick or concrete.

13 [(58)] (83) Surveyor. A registered land surveyor licensed to practice land surveying in
 14 the State of Maryland and qualified to prepare grading plans and specifications.

15 [(59)] (84) Timber Harvesting (Logging). The severing of any size tree above
 16 ground level leaving the root system and all stumps intact, except for the purpose of providing a
 17 temporary access for some other use, or for the removal of a dead, dying or hazardous tree. A
 18 Tree Conservation Plan may be required for the timber harvesting activities to be conducted in
 19 conformance with Subtitle 25.

20 [(60)] (85) Topsoil. Soil to be used as topsoil, and the placement of topsoil over a
 21 prepared subsoil prior to the establishment of permanent vegetation, shall meet the specifications
 22 of, and be in accordance with, Maryland Department of the Environment, Standards and
 23 Specifications for Soil Erosion and Sediment Control, [21.0] B-4-2 Standards and Specifications
 24 for [Topsoil or approved subsequent revisions thereof] soil preparation, and soil amendments.

25 [(61)] (86) Tree Conservation Plan (TCP). A site map that delineates woodland
 26 conservation areas and the associated text that details requirements, penalties, and mitigation as
 27 described in Subtitle 25.

28 (87) Variance. The modification of the minimum erosion and sediment control
 29 requirements for exceptional circumstances such that strict adherence to the requirements would
 30 result in unnecessary hardship and not fulfill the intent of this Ordinance.

31 [(62)] (88) Watercourse. Any natural or improved stream, river, creek, ditch, channel,

1 canal, conduit, culvert, drain, gully, swale or wash in which waters flow either continuously or
2 intermittently.

3 (89) Watershed. The total drainage area contributing runoff to a single point.

4 **Sec. 32-126. Permits Required.**

5 (a) Grading Permit. Except as exempted in Section 32-127, no person shall do, nor shall
6 the property owner permit any site development or grading of land for any purpose without the
7 owner/permittee of the said land first having obtained a grading permit from the Director.

8 Before a grading permit for any site is issued by the County, the Prince George's Soil
9 Conservation District must review and approve an erosion and sediment control plan for the site.

10 * * * * *

11 (h) No person shall disturb land without implementing soil erosion and sediment controls
12 in accordance with the requirements of this Ordinance and the Standards and Specifications
13 except as provided within this Section.

14 **Sec. 32-127. Exceptions to Grading Permit.**

15 (a) Provided all other provisions of this Division are met and excluding the property
16 located within the Chesapeake Bay Critical Area Overlay Zone, no grading or storm drain
17 connection permit will be required under the following conditions:

18 * * * * *

19 (6) Grading, as a maintenance measure, or for landscaping or construction purposes
20 on existing developed lots or parcels, provided:

21 (A) The aggregate of area(s) affected or bare-earthed at any one (1) time does
22 not exceed five thousand (5,000) square feet or disturb less than 100 cubic yards of earth;

23 (B) The grade change does not exceed twelve (12) inches at any point and does
24 not alter the drainage pattern;

25 (C) All bare earth is promptly seeded, sodded or otherwise effectively protected
26 from erosive actions.

27 (D) Does not require a Tree Conservation Plan per Subtitle 25.

28 * * * * *

29 **Sec. 32-132. Waiver and Variances.**

30 * * * * *

31 [(b) The Prince George's Soil Conservation District may grant a written waiver from the

1 requirements of the Standards and Specifications if strict adherence to the specifications will
2 result in unnecessary hardship and not fulfill the intent of this Subtitle. The applicant shall
3 submit a written request for a waiver to the Prince George's Soil Conservation District. The
4 request shall state the specific waiver sought and reasons for requesting the variance. The Prince
5 George's Soil Conservation District shall not grant a waiver unless and until sufficient specific
6 reasons justifying the waiver are provided by the applicant.]

7 (b) Erosion and Sediment Control Variances: The Prince George's Soil Conservation
8 District may only grant a variance from the requirements of the Standards and Specifications
9 when strict adherence will result in unnecessary hardship and not fulfill the intent of this
10 Ordinance. The owner/developer shall submit a written request for a variance to the Prince
11 George's Soil Conservation District. The request must state the specific variance sought and the
12 reasons for the request. The Prince George's Soil Conservation District shall not grant a
13 variance unless and until sufficient information is provided describing the unique circumstances
14 of the site to justify the variance.

15 * * * * *
16 **Sec. 32-141. Enforcement Action Upon Noncompliance.**

17 * * * * *
18 (e) Erosion and Sediment Control Enforcement

19 (1) The County shall, through the authority of this Ordinance and COMAR 26.17.01
20 use enforcement action when erosion and sediment control violations occur.

21 (2) Enforcement actions may include, but are not limited to:

22 (A) Issuance of a corrective action order;

23 (B) Issuance of a stop work order, the extent of which is determined by the

24 County;

25 (C) Issuance of a penalty or fine as allowed; and

26 (D) Referral for legal action.

27 (3) The County may deny the issuance of any permits to an applicant when it
28 determines that the applicant is not in compliance with the provisions of a building or grading
29 permit or approved erosion and sediment control plan.

30 (4) The County shall stop work on a site where land disturbance is occurring without
31 an approved erosion and sediment control plan, if not otherwise exempt. Measures shall be

1 required to be implemented to prevent off-site sedimentation.

2 (f) Severability: If any portion, section, subsection, sentence, clause, or phrase of this
 3 Ordinance is for any reason held invalid or unconstitutional by any court of competent
 4 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and
 5 such holding shall not affect the validity of the remaining portion of this Ordinance, it being the
 6 intent of the County that this Ordinance shall stand, notwithstanding the invalidity of any
 7 portion, section, subsection, sentence, clause, or phrase, hereof.

8 (g) Penalties

9 (1) Any person who violates any provision of this Ordinance is guilty of a
 10 misdemeanor, and upon conviction in a court of competent jurisdiction is subject to a fine not
 11 exceeding \$10,000 or imprisonment not exceeding one year or both for each violation with costs
 12 imposed in the discretion of the court. Each day upon which the violation occurs constitutes a
 13 separate offense.

14 (2) Any agency whose approval is required under this Ordinance or any interested
 15 person may seek an injunction against any person who violates or threatens to violate any
 16 provision of this Ordinance.

17 (3) In addition to any other sanction under this Ordinance, a person who fails to
 18 install or to maintain erosion and sediment controls in accordance with an approved plan shall be
 19 liable to County or the State in a civil action, for damages in an amount equal to double the cost
 20 of installing or maintaining the controls.

21 (4) Any governing authority that recovers damages in accordance with this subsection
 22 shall deposit them in a special fund, to be used solely for:

23 (A) Correcting to the extent possible the failure to implement or maintain
 24 erosion and sediment controls; and

25 (B) Administration of the sediment control program.

26 **32-142. [Changes to Plans] Modifications to Approved Erosion and Sediment Control**
 27 **Plans.**

28 [(a) All changes or modifications to the approved grading plans must be submitted to and
 29 approved by the Director. All necessary substantiating reports shall be submitted with any
 30 proposal to modify the approved grading plans. No grading or other work in connection with
 31 any proposed modification shall be permitted without the prior written approval of the Director.]

1 [(b) When inspection of a site indicates that the approved erosion and sediment control plan
2 needs change, the change shall be in compliance with the erosion and sediment control criteria
3 contained in the Standards and Specifications as follows:]

4 [(1) The permittee shall submit requests for major revisions to approved erosion and
5 sediment control plans, such as the addition or deletion of a sediment basin, to the Prince
6 George's Soil Conservation District to be processed appropriately. This processing includes
7 revisions due to plan and site discrepancies and inadequacies controlling erosion and sediment as
8 revealed through inspection; major revisions affecting the limits of disturbance shall require a
9 revised Tree Conservation Plan; and]

10 [(2) The Director may approve minor modifications to approved erosion and sediment
11 control plans in the field if documented on a field inspection report. The modification shall be
12 noted on the approved plans, signed by an inspector and dated. The Prince George's Soil
13 Conservation District, shall in conjunction with the Department of Permitting, Inspections, and
14 Enforcement, develop a list of allowable field modifications for use by field inspection
15 personnel; minor revisions resulting in less than 5,000 square feet of vegetation removal per site
16 may be verified.]

17 (a) The Prince George's Soil Conservation District may require the revision of approved
18 plans as necessary. Modifications may be requested by the owner/developer, the inspection
19 agency, or the County in accordance with COMAR 26.17.01.09(H) Plan Modifications.

20 (b) The Prince George's Soil Conservation District shall develop a list of minor
21 modifications that may be approved as field revisions by the inspection agency. The
22 Administration shall review and approve any list of minor modifications prior to its
23 implementation.

24 **Sec. 32-143. Time Limits.**

25 (a) Generally. [No grading or drainage system connection permits shall be issued for a
26 period to exceed 5 years.] Grading or drainage system connection permits shall be issued for a
27 period not to exceed two (2) years where the estimated cost of work is less than Five Hundred
28 Thousand Dollars (\$500,000.00) and for a period not to exceed three (3) years where the
29 estimated cost of work is equal to or more than Five Hundred Thousand Dollars (\$500,000.00).
30 The permittee shall fully perform and complete all of the work shown on the plans within the
31 time limit specified in the permit.

1 (b) Extension. Prior to the expiration of a grading permit, the permittee may present a
2 written request for an extension to the Director. If[, in the opinion of the Director] an extension
3 is warranted, [a one-time extension, not to exceed one (1) year may be granted] it may be granted
4 in one year increments, one year at a time. Extension fees shall be calculated at the same rate as
5 permit fees, and based on the amount of site area that has not received final inspection approval.
6 Extension fees for road construction included in a grading permit shall be calculated in
7 accordance with Section 23 of the County Code. The applicability of bonding requirements shall
8 be adjusted accordingly. Application for permit renewal and extension shall be made at least
9 sixty (60) days prior to the permit expiration date.

10 (c) Permit Expiration and Renewal. Application for permit renewal and extension shall be
11 made at least sixty (60) days prior to the permit expiration date.

12 (d) Extension beyond 6 years. If, in the opinion of the Director, a permit extension beyond
13 six (6) years is warranted, it may be granted in one year increments. Such extensions require
14 justification from the permittee and approval by the Director of the Department of Permitting,
15 Inspections and Enforcement.

16 (e) No Activity. If no site work and/or no site inspections have occurred in a six (6) month
17 period, the County may, in its sole discretion, default or close the permit.

18 **Sec. 32-144. Inspection and Supervision.**

19 (a) The Director or his designee shall inspect all work and shall require that the permittee
20 furnish adequate supervision, documentation of satisfactory testing and compaction prepared and
21 certified by a professional engineer duly registered in the State of Maryland for all Class 1, Class
22 2 and Class 3 fills as deemed necessary.

23 (b) [Prior to the] After the issuance of a grading permit, the permittee, the contractor
24 and/or their agents shall attend a preconstruction meeting on-site with the Director or his
25 designee on each site requiring an approved sediment and erosion control plan.

26 * * * * *

27 (e) The owner/developer shall maintain a copy of the approved erosion and sediment
28 control plan on site.

29 (f) Every active site having an approved erosion and sediment control plan should be
30 inspected for compliance with the plan on average, once every two (2) weeks.

31 (g) The County shall notify the on-site personnel or the owner/developer in writing when

1 violations are observed, describing:

2 (1) The nature of the violation;

3 (2) The required corrective action; and

4 (3) The time period in which to have the violation corrected.

5 (h) Right of Entry: It shall be a condition of every grading or building permit that the
6 County has the right to enter property periodically to inspect for compliance with the approved
7 plan and this Ordinance.

8 (i) Complaints: The County shall accept and investigate complaints regarding erosion and
9 sediment control concerns from any interested parties and:

10 (1) Conduct an initial investigation within three (3) working days from receipt of the
11 complaint;

12 (2) Notify the complainant of the initial investigation and findings within seven (7)
13 days from receipt of the complaint; and

14 (3) Take appropriate action when violations are discovered during the course of the
15 complaint investigation.

16 (j) For inspection and enforcement of the woodland conservation program and the erosion
17 and sediment control program, the following shall be required:

18 (1) Ensure that approved tree conservation plans and approved Erosion and Sediment
19 Control plans and permits are on the site and are complied with;

20 (2) Ensure that every active site having an erosion and sediment control plan is
21 inspected for compliance with the approved plan on the average of once every two weeks; and

22 (3) Prepare written reports after every inspection that describe:

23 (A) The date and location of this site inspection;

24 (B) Whether the approved plan has been properly implemented and maintained;

25 (C) Practical deficiencies or erosion and sediment control plan deficiencies; and

26 (D) If a violation exists, the type of enforcement action that is taken.

27 (E) If applicable, a description of any modifications to the plan.

28 **Section 32-145. Reports.**

29 * * * * *

30 (b) Prepare written reports after every inspection that describe:

31 (1) The date and location of this site inspection;

- (2) Whether the approved plan has been properly implemented and maintained;
- (3) Practical deficiencies or erosion and sediment control plan deficiencies;
- (4) If a violation exists, the type of enforcement action that is taken; and
- (5) If applicable, a description of any modifications to the plan.

* * * * *

Sec. 32-152. Ground Stabilization.

(a) All graded surfaces shall have suitable soil for permanent vegetative growth; free of any rocks, stones or other nonirreducible/nonorganic matter larger than one and one-half (1 ½) inches in diameter; [diced] disked and raked; and shall be limed, fertilized, seeded, mulched with tack or sodded, planted or otherwise protected from erosion; and shall be watered, tended and maintained until growth is well established.

(1) Topsoil shall be in accordance with the Maryland Department of the Environment, Standards and Specifications for Soil Erosion and Sediment Control, [21.0] B-4-2 Standard and Specifications for [Topsoil,] Topsoiling and soil amendments or approved subsequent revisions thereof.

(2) Stabilization methods and materials shall be in accordance with the Maryland Department of the Environment, Standards and Specifications for Erosion and Sediment Control, [20.0] B-4-4, B-4-5, Standards and Specifications for [Vegetative Stabilization] Temporary and Permanent Stabilization, or approved subsequent revisions thereof.

* * * * *

Sec. 32-153. Contents, Review and Approval of the Erosion and Sediment Control Plan.

* * * * *

(b) At a minimum, [A]applicants shall submit the following information to the Prince George's Soil Conservation District:

- (1) A letter of transmittal and/or application known as a site analysis;
- (2) A vicinity sketch indicating north arrow, scale and other information necessary to easily locate the property;
- (3) A plan at an appropriate scale indicating at least:
 - [(A) Name, address and telephone number of:]
 - [(i) The owner of the property where the grading is proposed;]
 - [(aa) The applicant;]

1 [(B) The existing and proposed topography;]

2 [(C) The proposed grading and earth disturbance including:]

3 [(i) Surface area involved;]

4 [(ii) Excess spoil material;]

5 [(iii) Use of borrow material;]

6 [(iv) Specific limits of disturbance consistent to that shown on an approved
7 Type 2 Tree Conservation Plan; and]

8 [(v) A clear and definite delineation of all woodland conservation areas and
9 areas to remain undisturbed consistent with the approved Type 2 Tree Conservation Plan;]

10 [(D) Storm drainage provisions, including:]

11 [(i) Velocities and quantities of flow at outfalls; and]

12 [(ii) Site conditions around points of all surface water discharge from the
13 site;]

14 [(E) Erosion and sediment control provisions to minimize on-site erosion and
15 prevent off-site sedimentation including:]

16 [(i) Provisions to preserve top soil and limit disturbance;]

17 [(ii) Details of grading practices;]

18 (3) Drainage area map(s) showing existing, interim, and proposed topography,
19 proposed improvements, standard symbols for proposed sediment control features, and pertinent
20 drainage information including provisions to protect downstream areas from erosion for a
21 minimum of 200 feet downstream or to the next conveyance system;

22 (4) The location of natural resources, wetlands, floodplains, highly erodible soils,
23 slopes 15 percent and steeper, and any other sensitive areas;

24 (5) A general description of the predominant soil types on the site, as described by
25 the appropriate soil survey information available through the Prince George's Soil Conservation
26 District or the USDA Natural Resources Soils Conservation Service;

27 (6) Proposed stormwater management practices;

28 (7) An Erosion and sediment control plan at an appropriate scale, including at least:

29 (A) Name, address and telephone number of:

30 (i) The owner of the property where the grading is proposed;

31 (ii) The applicant; and

1 (iii) The developer.

2 (B) The existing topography and improvements as well as proposed topography
 3 and improvements at a scale between 1" = 10' and 1" = 50' with 2 foot contours or other
 4 approved contour interval;

5 (C) Scale, project and sheet title, and north arrow on each plan sheet;

6 (D) The proposed grading and earth disturbance including:

7 (i) Total disturbed area;

8 (ii) Volume of cut and fill quantities;

9 (iii) Volume of borrow and spoil quantities;

10 (iv) Specific limits of disturbance consistent to that shown on an approved
 11 Type 2 Tree Conservation Plan; and

12 (v) A clear and definite delineation of all woodland conservation areas and
 13 areas to remain undisturbed consistent with the approved Type 2 Tree Conservation Plan;

14 (E) Scale, project and sheet title, and north arrow on each plan sheet;

15 (F) The limit of disturbance (LOD) including:

16 (i) Limit of grading (grading units, if applicable); and

17 (ii) Initial, interim, and final phases;

18 (G) Storm drainage features, including:

19 (i) Existing and proposed bridges, storm drains, culverts, outfalls, etc;

20 (ii) Velocities and quantities of peak flow rates at outfalls for the two-year
 21 and ten-year frequency storm events; and

22 (iii) Site conditions around points of all surface water discharge from the
 23 site;

24 (H) Erosion and sediment control practices to minimize on-site erosion and
 25 prevent off-site sedimentation including:

26 (i) The salvage and reuse of top soil;

27 (ii) Phased construction and implementation of grading unit(s) to minimize
 28 disturbances, both in extent and duration, not to exceed 20 acres;

29 (iii) Location and type of all proposed erosion and sediment control
 30 practices;

(iv) Design details and data for all erosion and sediment control practices;

and

(v) Specifications for temporary and permanent stabilization measures

including, at a minimum:

a. The “Standard Stabilization Note” on the plan stating: “Following

initial soil disturbance or re-disturbance, permanent or temporary stabilization must be

completed within:

1. Three (3) calendar days as to the surface of all perimeter

dikes, swales, ditches, perimeter slopes, and all slopes steeper than 3 horizontal to 1 vertical

(3:1); and

2. Seven (7) calendar days as to all other disturbed or graded

areas on the project site not under active grading.”

b. Details for areas requiring accelerated stabilization; and

c. Maintenance requirements as defined in the Standards and

Specifications:

[(4)] (8) Design details for structural controls;

[(5)] (9) Details of temporary and permanent stabilization measures including

placement of the statement on the plan that following initial soil disturbance or redisturbance,

permanent or temporary stabilization shall be completed within seven (7) calendar days for the

surface of all perimeter dikes, swales, ditches, perimeter slopes and all slopes greater than 3

horizontal to 1 vertical (3:1), and for all embankments of ponds, basins and traps; and fourteen

(14) days for all other disturbed or graded areas on the project site provided that the requirements

of this Section do not apply to those areas which are shown on the plan and are currently being

used for material storage or for those areas on which actual construction activities are currently

being performed or to interior areas of a surface mine site where the stabilization material would

contaminate the recoverable resource;

[(6)] (10) A [S]sequence of construction describing the relationship between the

implementation and maintenance of controls, including permanent and temporary stabilization

and the various stages or phases of earth disturbance and construction. Any changes or revisions

to the sequence of construction must be approved by Prince George’s Soil Conservation District

1 prior to proceeding with construction. The sequence of construction shall, at a minimum,
2 include a schedule and time frame for the following [activities]:

3 (A) Request for a pre-construction meeting with the Department;

4 [(A)](B) Clearing and grubbing for those areas necessary for installation of
5 perimeter controls;

6 [(B)](C) Construction and stabilization of perimeter controls within installed
7 perimeter controls;

8 [(C)](D) Remaining clearing and grubbing;

9 [(D)](E) Road grading;

10 [(E)](F) Grading for the remainder of the site;

11 [(F)](G) Utility installation and [whether storm drains will be used or blocked
12 after construction] connections to existing structures;

13 [(H)] Construction of buildings, roads, and other construction;

14 [(G)](I) Final grading, landscaping [or] and stabilization;

15 [(H)] Removal of controls;]

16 (J) Construction of building roads and other construction;

17 (K) Installation of stormwater management measures;

18 (L) Approval of the appropriate enforcement authority prior to removal of
19 sediment controls; and

20 (M) Removal of controls and stabilization of areas that are disturbed by removal
21 of sediment controls.

22 [(7)] (11) A statement placed on the plan indicating that the [permittee]
23 owner/developer or representative shall request that the Department of Permitting, Inspections,
24 and Enforcement or its agent approve work completed in accordance with the approved erosion
25 and sediment control plan, the grading or building permit, and this Division, and that the
26 [permittee] owner/developer or representative shall obtain written inspection approvals by the
27 Director or his designee at the following stages in the development of the site, or of each
28 subdivision thereof:

29 (A) Prior to the start of earth disturbance;

30 [(A)](B) Upon completion of installation of tree protection devices, followed by
31 the installation of perimeter erosion and sediment controls, prior to proceeding with any other

1 earth disturbance or grading. Other building or grading inspection approvals may not be
2 authorized until initial approval by the Department is made;

3 ~~[(B)](C)~~ Upon completion of stripping, the stockpiling of top soil, the
4 construction of temporary sediment and erosion control facilities, disposal of all waste material
5 and preparation of the ground;

6 ~~[(C)](D)~~ Upon completion of rough grading, but prior to placing top soil,
7 permanent drainage or other site development improvements and ground covers;

8 ~~(E)~~ Prior to the start of another phase of construction or opening of another
9 grading unit;

10 ~~(F)~~ Prior to the removal of sediment control practices; and

11 ~~[(D)](G)~~ Upon completion of final grading, reforestation, permanent drainage,
12 and erosion control facilities including established ground covers and planting, and all other
13 work of the building permit;

14 ~~[(8)] (12)~~ Certification by the owner/developer or permittee that any clearing, grading,
15 construction or development, or all of these, will be done pursuant to [this plan] the approved
16 erosion and sediment control plan. The certification must also require [and] that responsible
17 personnel involved in the construction project will have a Certification of Training at a State of
18 Maryland Department of the Environment approved training program (i.e. Green Card
19 Certification) for the control of sediment and erosion before beginning the project. The
20 Certification of Training for Responsible Personnel requirement may be waived by the Prince
21 George's Soil Conservation District on any project involving four (4) or fewer residential units[;
22 and]. Additionally, the owner/developer shall allow right of entry for periodic on-site evaluation
23 by the Prince George's Soil Conservation District, the Department, and/or MDE; and

24 (13) Certification by a professional engineer, land surveyor, landscape architect (only
25 for plans with no hydraulic and hydrologic calculations), or forester (for forest harvest operations
26 only) registered in the State that the plans have been designed in accordance with erosion and
27 sediment control laws, regulations, and standards, if required by the Prince George's Soil
28 Conservation District or the Administration.

29 ~~[(9)] (14)~~ In approving the plan, the Prince George's Soil Conservation District may
30 require any additional information or data deemed appropriate and/or may impose such
31 conditions thereto as may be deemed necessary to ensure compliance with the provisions of this

1 Division, the State Sediment Control Regulations, COMAR 26.17.01, the Standards and
2 Specifications, or the preservation of public health and safety.

3 (c) Review and Approval of Erosion and Sediment Control Plans

4 (1) A person may not grade land without an erosion and sediment control plan
5 approved by the Prince George's Soil Conservation District if the site is not exempt from these
6 requirements.

7 (2) The Prince George's Soil Conservation District shall review erosion and sediment
8 control plans to determine compliance with this Ordinance and the Standards and Specifications
9 prior to approval. In approving the plan, the Prince George's Soil Conservation District may
10 impose such conditions that may be deemed necessary to ensure compliance with the provisions
11 of this Ordinance, COMAR 26.17.01, the Standards and Specifications, and the preservation of
12 public health and safety.

13 (3) The review and approval process shall be in accordance with the comprehensive
14 and integrated plan approval process described in the Standards and Specifications, Prince
15 George's County Stormwater Ordinance, and the Act.

16 (4) At a minimum, a concept plan must include the mapping of natural resources and
17 sensitive areas including highly erodible soils and slopes greater than 15 percent as well as
18 information required under Prince George's County Stormwater Ordinance. These areas are to
19 remain undisturbed or an explanation must be included with either the concept or site
20 development plan describing enhanced protection strategies for these areas during construction.
21 Approved concept sediment control plans remain valid for three (3) years from the date of
22 approval unless extended or renewed by the Prince George's Soil Conservation District.

23 (5) A site development plan submittal must include all concept plan information and
24 indicate how proposed erosion and sediment control practices will be integrated with proposed
25 stormwater management practices. The latter is being done through a narrative and an overlay
26 plan showing both ESD and erosion and sediment control practices. An initial sequence of
27 construction and proposed project phasing to achieve the grading unit restriction should be
28 submitted at this time. Approved site development sediment control plans remain valid for three
29 (3) years from the date of approval unless extended or renewed by the Prince George's Soil
30 Conservation District.

1 (6) An applicant shall submit a final erosion and sediment control plan to the Prince
2 George's Soil Conservation District for review and approval. The plan must include all of the
3 information required by the concept and site development plans as well as any information in
4 Section 32-153.

5 (7) A final erosion and sediment control plan shall not be considered approved
6 without the inclusion of the signature and date of signature of the Prince George's Soil
7 Conservation District on the plan.

8 (8) Final erosion and sediment control plans remain valid for two (2) years from the
9 date of approval unless extended or renewed by the Prince George's Soil Conservation District.

10 (9) Grandfathering of Approved Plans:

11 (A) Any plans that receive final approval after January 9, 2013 must be in
12 compliance with the erosion and sediment control requirements of this Ordinance and the
13 Standards and Specifications.

14 (B) A plan that receives final approval by January 9, 2013 may be reapproved
15 under its existing conditions if grading activities have begun on the site by January 9, 2015, with
16 the exception of stabilization requirements.

17 (C) Stabilization practices on all sites must be in compliance with the erosion
18 and sediment control requirements of this Ordinance and the Standards and Specifications by
19 January 9, 2013, regardless of when an approved erosion and sediment control plan was
20 approved.

21 (d) The erosion and sediment control plan must be designed in concert with a site's
22 stormwater management plan as required by the Stormwater Management Act of 2007 (Act).
23 The Act requires an integrated review of erosion and sediment control plans and stormwater
24 management plans via a comprehensive plan review process to ensure that environmental site
25 design (ESD) is implemented to the maximum extent practicable (MEP) on all sites.

26 (e) Standard Erosion and Sediment Control Plan

27 (1) The Prince George's Soil Conservation District may adopt a standard erosion and
28 sediment control plan for activities with minor earth disturbances, such as single-family
29 residences, small commercial and other similar building sites, minor maintenance grading, and
30 minor utility construction.

1 * * * * *

2 (11) **Channel Protection Storage Volume (Cpv)**. The volume used to design
 3 structural management practices to control stream channel erosion. Methods for calculating the
 4 channel protection storage volume are specified in the [2000] Maryland [Stormwater
 5 Management] Design Manual and the Prince George’s County Design Manual.

6 * * * * *

7 (27) **Environmental Site Design (ESD)**. Using small scale stormwater management
 8 practices, nonstructural techniques, and better site planning to mimic natural hydrologic runoff
 9 characteristics and minimize the impact of land development on water resources. (Methods for
 10 designing ESD practices are specified in the Maryland Design Manual and the Prince George’s
 11 County Design Manual).

12 * * * * *

13 (29) **Extended Detention**. A stormwater design feature that provides gradual release
 14 of a volume of water in order to increase settling of pollutants and protect downstream channels
 15 from frequent storm events. (Methods for designing extended detention BMPs are specified in
 16 the Maryland Design Manual and the Prince George’s County Design Manual).

17 * * * * *

18 (45) **Overbank Flood Protection Volume (Qp)**. The volume controlled by structural
 19 practices to prevent an increase in the frequency of out-of-bank flooding generated by
 20 development. (Methods for calculating the overbank flood protection volume are specified in the
 21 Maryland Design Manual and the Prince George’s County Design Manual).

22 * * * * *

23 (49) **Pollutant**. Sediment runoff due to erosion.

24 * * * * *

25 (54) **Prince George’s County Design Manual**. The 2014 Prince George’s County
 26 Stormwater Management Design Manual or any subsequent revisions that complements the
 27 Maryland Design Manual.

28 [(54)] (55) **Recharge Volume (Rev)**. That portion of the water quality volume used
 29 to maintain groundwater recharge rates at development sites. (Methods for calculating the
 30 recharge volume are specified in the Maryland Design Manual and the Prince George’s County
 31 Design Manual).

1 [(55)] (56) **Redevelopment.** Any construction, alteration or improvement performed
2 on sites where existing land use is commercial, industrial, institutional, or multifamily residential
3 and existing site impervious area within the limit of disturbance exceeds 40 percent.

4 [(56)] (57) **Retention Structure.** A permanent structure that provides for the storage
5 of runoff and is designed to maintain a permanent pool of water.

6 [(57)] (58) **Retrofitting.** The implementation of ESD practices, the construction of
7 structural BMP, or the modification of an existing structural BMP in a previously developed area
8 to improve water quality over current conditions.

9 [(58)] (59) **Sediment.** Soils or other surficial materials transported or deposited by the
10 action of wind, water, snow, ice or gravity as a product of erosion.

11 [(59)] (60) **Site.** For new development, any tract, lot, or parcel of land or combination
12 of tracts, lots, parcels of land that are in one ownership or are contiguous and in diverse
13 ownership, where development is to be performed as a part of a unit, subdivision or project.

14 [(60)] (61) **Site Development Plan.** The second of three required plan approvals that
15 includes the information necessary to allow a detailed evaluation of a proposed project.

16 [(61)] (62) **Stabilization.** The prevention of soil movement by any of various
17 vegetative and/or structural means.

18 [(62)] (63) **Stormwater.** Water that originates from a precipitation event.

19 [(63)] (64) **Stormwater Management (SWM).** Using ESD for the collection,
20 conveyance, storage, treatment and disposal of stormwater runoff in a manner to prevent
21 accelerated channel erosion, increased flood damage and/or degradation of water quality.

22 [(64)] (65) **Stormwater Management Design Plan.** The set of drawings and other
23 documents that comprise all of the information and specifications for the systems, structures,
24 concepts, and techniques that will be used to control stormwater as required by the approved
25 concept plan and the Maryland Design Manual and the Prince George's County Design Manual.

26 [(65)] (66) **Stormwater Management System.** Natural areas, ESD practices,
27 stormwater management measures, and any other structures through which stormwater flows,
28 infiltrates or discharges from a site.

29 [(66)] (67) **Stormwater Variance.** The modification of the minimum stormwater
30 management requirements for specific circumstances such that strict adherence to the
31 requirements would result in unnecessary hardship and not fulfill the intent of this Division.

1 [(67)] (68) **Stream Restoration.** Restoration and reconstruction of existing
2 waterways to maintain the ecological features of the stream, to mitigate stream bed incision and
3 stream wall erosion, to preserve the capacity and to enhance the water quality of the stream.
4 Stream restoration shall address the following including, but not limited to, intervention and
5 installation of measures to repair damages to the stream corridors, hydrology, hydraulics,
6 sediment transport, geomorphology, aquatic ecology, fisheries and riparian ecology.

7 [(68)] (69) **Stripping.** Any activity that removes the vegetation surface cover
8 including tree removal, clearing, grubbing and storage or removal of topsoil.

9 [(69)] (70) **Subdivision.** The division of a lot, tract or parcel of land into two or more
10 lots, plots, sites, parcels or other divisions by plat or deed.

11 [(70)] (71) **Watercourse.** Any natural or artificial stream, river, creek, ditch, channel,
12 canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any adjacent area
13 that is subject to inundation from overflow or flood water.

14 [(71)] (72) **Water Quality Volume (WQv).** The volume needed to capture and treat
15 90 percent of the average annual rainfall at a development site. (Methods for calculating the
16 water quality volume are specified in the Maryland Design Manual and the Prince George's
17 County Design Manual.)

18 [(72)] (73) **Watershed.** The total drainage area contributing runoff to a single point.

19 **Sec. 32-172. Watershed Management Planning.**

20 * * * * * * * * *

21 (e) A watershed management plan developed for the purpose of implementing different
22 stormwater management policies for waivers and redevelopment shall:

23 * * * * * * * * *

24 (7) Be consistent with the General Performance Standards for Stormwater
25 Management in Maryland as found in the Maryland Design Manual and the Prince George's
26 County Design Manual; and

27 * * * * * * * * *

28 **Sec. 32-175. Redevelopment.**

29 (a) Stormwater management plans are required by the Department for all redevelopment,
30 unless otherwise specified by watershed management plans developed according to this Division.

1 Stormwater management measures must be consistent with the Maryland Design Manual and the
2 Prince George's County Design Manual).

3 (b) All redevelopment designs shall:

4 (1) Reduce impervious area within the limit of disturbance (LOD) by at least 50
5 percent according to the Maryland Design Manual and the Prince George's County Design
6 Manual;

7 * * * * *
8 (c) All redevelopment designs approved after May 4, 2016, shall:

9 (1) Reduce impervious area within the LOD by 75 percent in accordance with the
10 Maryland Design Manual and the Prince George's County Design Manual;

11 * * * * *
12 (d) All redevelopment designs approved after May 4, 2019, shall:

13 (1) Reduce impervious area within the LOD by 100 percent in accordance with the
14 Maryland Design Manual and the Prince George's County Design Manual;

15 * * * * *
16 (g) All redevelopment projects shall reduce existing site stormwater runoff volume by
17 implementing distributed ESD to the MEP. Where conditions prevent the implementation of
18 ESD techniques to reduce runoff, the Maryland [Stormwater] Design Manual and the Prince
19 George's County Design Manual criteria shall be implemented.

20 * * * * *
21 (k) Stormwater management shall be addressed for the portion of the site within the limit
22 of disturbance according to the new development requirements in the Maryland Design Manual
23 and the Prince George's County Design Manual for any net increase in impervious area.

24 (l) If the Department determines that existing flooding and/or erosion exist downstream of
25 the proposed development, the Department:

26 * * * * *
27 (3) has authority to require the applicant to attenuate the 100-year frequency storm
28 event for downstream flooding in accordance with the Maryland Design Manual and the Prince
29 George's County Design Manual.

30 **SUBDIVISION 2. STORMWATER MANAGEMENT DESIGN PLANS.**
31 **Sec. 32-178. Minimum Stormwater Control Requirements.**

1 (a) The minimum control requirements established in this Section and the Maryland
2 Design Manual and the Prince George’s County Design Manual are as follows:

3 (1) Planning techniques, nonstructural practices, and design methods specified in the
4 Maryland Design Manual and the Prince George’s County Design Manual shall be used to
5 implement ESD to the MEP. The use of ESD planning techniques and treatment practices must
6 be exhausted before any structural BMP is implemented. Stormwater management design plans
7 for development projects subject to this Division shall be designed using ESD sizing criteria,
8 recharge volume, water quality volume, and channel protection storage volume criteria according
9 to the Maryland Design Manual and the Prince George’s County Design Manual. The MEP
10 standard is met when channel stability is maintained, 100% predevelopment groundwater
11 recharge is replicated, non-point source pollution is minimized, and structural stormwater
12 management practices are used only if determined to be absolutely necessary.

13 (2) Attenuation of the 2-year, 10-year frequency storm event for downstream erosion
14 exist and/or attenuation of the 100-year frequency storm event for downstream flooding exist are
15 required according to the Maryland Design Manual and the Prince George’s County Design
16 Manual and all subsequent revisions when the Department determines that additional stormwater
17 management is necessary because the receiving channel and/or conveyance system are
18 determined inadequate.

19 * * * * *

20 **Sec. 32-179. Stormwater Management Measures.**

21 The ESD planning techniques, practices and structural stormwater management measures in
22 this Division and the Maryland Design Manual and the Prince George’s County Design Manual
23 shall be used either alone or in combination in a stormwater management design plan. An
24 applicant shall demonstrate that ESD has been implemented to the MEP before the use of a
25 structural BMP is considered in developing the stormwater management design plan.

26 (a) ESD Planning Techniques and Practices.

27 (1) The following planning techniques shall be applied to MEP according to the
28 Maryland Design Manual and the Prince George’s County Design Manual to satisfy the
29 applicable minimum control requirements established in 32-178 of this Division:

30 * * * * *

31 (2) The following ESD treatment practices shall be designed to MEP according to the

1 Maryland Design Manual and the Prince George's County Design Manual to satisfy the
2 applicable minimum control requirements established in 32-178 of this Division:

3 * * * * *

4 (3) The use of ESD planning techniques and treatment practices specified in this
5 Section shall not conflict with existing state law or local ordinances, regulations, or policies. The
6 County shall modify planning and zoning ordinances and public works codes to eliminate any
7 impediments to implementing ESD to the MEP according to the Maryland Design Manual and
8 the Prince George's County Design Manual.

9 (b) Structural Stormwater Management Measures.

10 (1) The following structural stormwater management practices shall be designed
11 according to the Maryland Design Manual and the Prince George's County Design Manual to
12 satisfy the applicable minimum control requirements established in 32-178 of this Division:

13 * * * * *

14 (2) The performance criteria specified in the Maryland Design Manual and the Prince
15 George's County Design Manual with regard to general feasibility, conveyance, pretreatment,
16 treatment and geometry, environment and landscaping, and maintenance shall be considered
17 when selecting structural stormwater management practices.

18 * * * * *

19 (d) Alternative ESD planning techniques, treatment practices and structural stormwater
20 measures may be used for new development runoff control if they meet the performance criteria
21 established in the Maryland Design Manual and the Prince George's County Design Manual and
22 all subsequent revisions and are approved by the Administration. Practices used for
23 redevelopment projects shall be approved by the Department.

24 * * * * *

25 **Sec. 32-180. Specific Design Criteria.**

26 The basic design criteria, methodologies, and construction specifications, subject to the
27 approval of the Department and the Administration, shall be in accordance with the Maryland
28 Design Manual and the Prince George's County Design Manual.

29 * * * * *

30 **Sec. 32-182. Stormwater Management Design Plans, Submission Requirements.**

31 (a) Concept Plan.

1 The owner/applicant shall submit a concept plan that provides sufficient information for an
2 initial assessment of the proposed project and whether stormwater management can be provided
3 according to 32-179 of this Division and the Maryland Design Manual and the Prince George's
4 County Design Manual. Plans submitted for concept approval shall include, but are not limited
5 to:

6 * * * * *

7 (d) Reports submitted for an approval of final stormwater management plans shall include,
8 but are not limited to:

9 * * * * *

10 (3) Hydrologic computations of the applicable ESD and unified sizing criteria
11 according to the Maryland Design Manual and the Prince George's County Design Manual for
12 all points of discharge from the site;

13 * * * * *

14 (e) Construction drawings submitted for final stormwater management plan approval shall
15 include, but are not limited to:

16 * * * * *

17 (11) A table showing the ESD and unified sizing criteria volumes required in the
18 Maryland Design Manual and the Prince George's County Design Manual;

19 * * * * *

20 **SUBDIVISION 3. INSPECTION, MAINTENANCE AND ENFORCEMENT.**

21 **Sec. 32-190. Inspection Schedule and Reports.**

22 * * * * *

23 (b) Regular inspections shall be made and documented for each BMP and each ESD
24 planning technique and practice at the stages of construction specified in the Maryland Design
25 Manual and the Prince George's County Design Manual by the County, its authorized
26 representatives, or certified by a professional engineer licensed in the State of Maryland. At a
27 minimum, all ESD and other structural and nonstructural practices shall be inspected upon
28 completion of final grading, the establishment of stabilization, and before issuance of a use and
29 occupancy permit approval.

30 * * * * *

31 **Sec. 32-191. Inspection Requirements During Construction.**

1 * * * * *
2 (b) The Department may, for enforcement purposes, use any one or a combination of the
3 following actions:

4 * * * * *
5 (4) In addition to any other sanctions, a civil action or criminal prosecution may be
6 brought against any person in violation of this Code, the Maryland Design Manual, the Prince
7 George's County Design Manual, or this Division.

8 * * * * *
9 (d) Once construction is complete, "as-built" plan certification shall be submitted by either
10 a professional engineer or professional land surveyor licensed in the State of Maryland to ensure
11 that ESD planning techniques, treatment practices, and structural and non structural stormwater
12 management measures and conveyance systems comply with the specifications contained in the
13 approved plans. At a minimum, "as-built" certification shall include a set of drawings
14 comparing the approved final stormwater management plan with what was constructed. The
15 Department may require additional information.

16 * * * * *
17 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
18 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
19 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
20 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
21 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
22 Act, since the same would have been enacted without the incorporation in this Act of any such
23 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
24 or section.

25 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
26 calendar days after it becomes law.

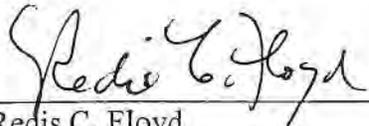
Adopted this 23rd day of June, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND



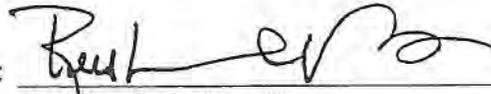
BY: _____
Mel Franklin
Chairman

ATTEST:



Redis C. Floyd
Clerk of the Council

APPROVED:



DATE: 7/9/2015 BY: _____
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

* * * * *

Prince George's County Council
Agenda Item Summary

Meeting Date: 6/23/2015
Reference No.: CB-036-2015
Draft No.: 1
Proposer(s): County Executive
Sponsor(s): Franklin, Turner, Davis
Item Title: An Act amending the County's erosion and sediment control regulations to be consistent with the State of Maryland's revised erosion sediment control regulations and the Maryland Standards and Specifications for Soil Erosion and Sediment Control

Drafter: Mary Giles and Susan Hubbard , DPIE
Resource Personnel: Haitham A. Hijazi, Director DPIE

LEGISLATIVE HISTORY:

Date Presented: 6/2/2015
Committee Referral: 6/2/2015 - C.O.W.
Executive Action: 7/9/2015 S
Effective Date: 8/24/2015

Committee Action: 6/2/2015 - FAV

Date Introduced: 6/2/2015
Public Hearing: 6/23/2015 - 10:00 AM

Council Action (1) 6/23/2015 - ENACTED
Council Votes: DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:A, DT:A, KT:A, TT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

32-105, 32-124, 32-125, 32-126, 32-127, 32-132, 32-141, 32-142, 32-143, 32-144, 32-145, 32-152, 32-153, 32-170, 32-171, 32-172, 32-175, 32-178, 32-179, 32-180, 32-182, 32-190, 32-191

COMMITTEE REPORTS:

COMMITTEE OF THE WHOLE

Date 6/2/2015

Report: Committee Vote: Favorable, 8-0. (In favor: Council Members Franklin, Davis, Glaros, Lehman, Patterson, Taveras, Toles and Turner.)

The County Council met on Tuesday, June 02, 2015 in the Committee of the Whole. The Department of Permits, Inspections, and Enforcement briefed the Committee on the provisions of CB-36-2015. Specifically, DPIE tracked the changes to the current Code sections that would be revised with CB-36-2015. The current Code provisions that will be effected are as follows: 32-124, 32-143, 32-105, 32-125, 32-132, 32-141, 32-153, 32-170, 32-175, 32-178, 32-179, 32-180, 32-182.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This legislation is required to update the County's erosion and sediment control regulations to be consistent with the State of Maryland's revised erosion sediment control regulations and the Maryland Standards and Specifications for Soil Erosion and Sediment Control as adopted by the Maryland Department of the Environment (MDE). It also incorporates the reference to the Prince George's County Stormwater Design Manual. Additionally, the changes must be made for Prince George's County to retain delegation from MDE for stormwater management compliance inspections on development and redevelopment projects.

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-13-2015

Chapter No. 26

Proposed and Presented by Council Members Davis and Glaros

Introduced by Council Members Davis and Glaros

Co-Sponsors _____

Date of Introduction June 16, 2015

BILL

1 AN ACT concerning

2 Parking Regulations

3 For the purpose of prohibiting parking in front of mailboxes in the County and providing for
4 exemptions; and generally relating to parking regulations.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 26. VEHICLES AND TRAFFIC.

7 Section 26-127.04,

8 The Prince George's County Code

9 (2011 Edition; 2014 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
11 Maryland, that Section 26-127.04 of the Prince George's County Code be and the same is hereby
12 repealed and reenacted with the following amendments:

13 SUBTITLE 26. VEHICLES AND TRAFFIC.

14 DIVISION 8. PARKING REGULATIONS.

15 **Sec. 26-127.04. Stopping, standing, or parking prohibited in specified places.**

16 (a) General rule. The provisions of this Section apply except as necessary to avoid conflict
17 with other traffic or in compliance with law or the directions of a police officer or traffic control
18 device.

19 * * * * *

20 (c) Standing or parking. No person shall stand or park a vehicle:

21 * * * * *

1 (19) Within ten feet of a curb-side residential mailbox, except Sundays and Federal
2 holidays, subject to a complaint by the property owner

3 * * * * * * * *

4 SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
5 calendar days after it becomes law.

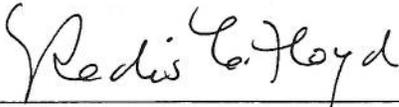
Adopted this 14th day of July, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND



BY: _____
Mel Franklin
Chairman

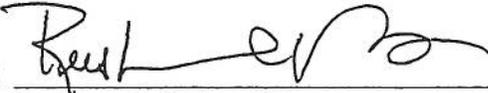
ATTEST:



Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: 7-24-2015

BY:  _____
Rushern L. Baker, III
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.

Prince George's County Council
Agenda Item Summary

Meeting Date: 7/14/2015
Reference No.: CB-013-2015
Draft No.: 2
Proposer(s): Davis, Glaros
Sponsor(s): Davis, Glaros
Item Title: An Act concerning Parking Regulations for the purpose of prohibiting parking in front of mailboxes in the County and providing for exemptions; and generally relating to parking regulations.

Drafter: Colette R. Gresham, Legislative Officer
Resource Personnel: Nell W. Johnson, Legislative Aide District 6
Aimee Olivo, Legislative Aide District 3

LEGISLATIVE HISTORY:

| | | | |
|----------------------------|--|--------------------------|-------------|
| Date Presented: | 4/14/2015 | Executive Action: | 7/24/2015 S |
| Committee Referral: | 4/14/2015 - PSFM | Effective Date: | 9/8/2015 |
| Committee Action: | 6/4/2015 - FAV(A) | | |
| Date Introduced: | 6/16/2015 | | |
| Public Hearing: | 7/14/2015 - 1:30 PM | | |
| Council Action (1) | 7/14/2015 - ENACTED | | |
| Council Votes: | DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:A, DT:A, KT:A, TT:N | | |
| Pass/Fail: | P | | |
| Remarks: | | | |

AFFECTED CODE SECTIONS:

26-127.04

COMMITTEE REPORTS:

Public Safety and Fiscal Management

Date 6/4/2015

REPORT: COMMITTEE VOTE: Favorable as amended 3-1 (Councilmembers: Patterson, Lehman, Taveras, Opposed Turner

CB-13-2015 would prohibit a person from standing and/or parking a vehicle in front of a mailbox except on Sundays or Federal holidays and there is an exemption for property owners. Violators will be subject to a parking citation in the amount of \$50.00.

During the Committee Work Session a proposed Draft 2 was discussed which provides that a person shall not park a vehicle within ten feet of a curb-side residential mailbox, except on Sundays and Federal holidays. The provisions of the bill are applicable only after a complaint is received from the property owner. The bill was amended to delete on page 2, lines 1-9 and insert "Within ten feet of a curbside residential mailbox, except Sundays and Federal holidays, subject to a complaint by the property owner."

Peter Shapiro, Executive Director of the Revenue Authority and Troy Thompson, Deputy Director both spoke on the proposed regulations.

The Office of Law reports the bill in proper legal form.

The Office of Audits and Investigations reports that the enactment of CB-13-2015 may have a positive fiscal impact on the County from any fines collected as a result of parking citations that are issued for obstruction of mailboxes. The amount of related potential parking citation revenue cannot be estimated at this time.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

Various residential communities throughout the County have had problems with residents parking in front of their mailboxes and blocking the mail deliverer from delivering the mail. The United States Postal Service (USPS) Domestic Mail Manual Section 508.3.1.4 requires that customers must keep the approach to their mailboxes clear of obstructions to allow safe access for delivery. If USPS employees are impeded in reaching a mail receptacle, the postmaster may withdraw delivery service. The proposed legislation would prohibit a person from parking a vehicle in front of a mailbox in the County except on Sundays or Federal holidays and there is an exemption for property owners, renters and individuals receiving permission to park in front of the property owner or renter's mailbox. A violation of the parking restriction would be subject to a fine of Fifty Dollars (\$50) for each offense pursuant to Sec. 26-127.04(e).

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-22-2015
Chapter No. 29
Proposed and Presented by Council Member Franklin
Introduced by Council Member Franklin
Co-Sponsors _____
Date of Introduction June 9, 2015

SUBDIVISION BILL

1 AN ACT concerning

2 Adequate Public Facilities and Roads

3 For the purpose of amending the findings for adequacy of public facilities and road
4 improvements to permit participation in the funding of roadway improvements, under certain
5 circumstances.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 24. SUBDIVISIONS.

8 Section 24-124,

9 The Prince George's County Code

10 (2011 Edition, 2014 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, that Section 24-124 of the Prince George's County Code be and the same is hereby
13 repealed and reenacted with the following amendments:

14 SUBTITLE 24. SUBDIVISIONS.

15 DIVISION 4. REQUIREMENTS: TRANSPORTATION AND CIRCULATION.

16 Sec. 24-124. Adequate roads required.

17 (a) Before any preliminary plan may be approved, the Planning Board shall find that:

18 * * * * *

19 (7) There is a proposal for such roads on a plan being considered by the United States
20 Department of Transportation and/or Federal Highway Administration, and which is funded for

1 construction within the next ten years. The Planning Board may condition the approval of the
2 subdivision on a construction schedule that minimizes any inadequacy[.] ; or

3 (8) Roadway improvements or trip reduction programs participated in or funded by
4 the subdivider will alleviate any inadequacy as defined by the "Guidelines," provided that the
5 property is located within an area for which a road club was established prior to November 16,
6 1993, to provide for the participation by multiple developers in the funding and construction of
7 road improvements based on the identified impact of the developments.

8 * * * * *

1 SECTION 2. BE IT FURTHER ENACTED that this Act shall be read, interpreted, and
2 applied in accordance with Council Resolutions CR-33-2011 and CR-61-2011, as may be
3 modified or amended from time to time, unless a preliminary plan of subdivision was approved
4 prior to the adoption of CR-33-2011 and CR-61-2011 in which case the prior approval shall be
5 grandfathered, and having the force and effect of law of a temporary or administrative nature
6 pursuant to Section 1017 the County Charter.

7 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect thirty (30)
8 calendar days after it becomes law.

Adopted this 21st day of July, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND



BY: _____
Mel Franklin
Chairman

ATTEST:



Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: 7-30-2015

BY:  _____
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

Prince George's County Council Agenda Item Summary

Meeting Date: 7/21/2015
Reference No.: CB-022-2015
Draft No.: 2
Proposer(s): Franklin
Sponsor(s): Franklin
Item Title: A Subdivision Bill concerning Adequate Public Facilities and Roads for the purpose of amending the findings of adequacy of public facilities and road improvements to permit participation in the funding of roadway improvements under certain circumstances.

Drafter: Karen T. Zavakos, Zoning and Legislative Counsel
Resource Personnel: Brendon L. Laster, Legislative Aide District 9

LEGISLATIVE HISTORY:

| | | | |
|----------------------------|------------------|--------------------------|-------------|
| Date Presented: | 4/28/2015 | Executive Action: | 7/30/2015 S |
| Committee Referral: | 4/28/2015 - PZED | Effective Date: | 8/31/2015 |

Committee Action: 6/9/2015 - FAV(A)

Date Introduced: 6/9/2015
Public Hearing: 7/21/2015 - 10:00 AM

Council Action (1) 7/21/2015 - ENACTED
Council Votes: DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:A, DT:A, KT:A, TT:-
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

24-124

COMMITTEE REPORTS:

Planning, Zoning and Economic Development

Date 6/9/2015

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Harrison, Glaros, Davis, Taveras, and Toles)

Council staff summarized the purpose of CB-22-2015. This legislation amends the findings for adequacy of public facilities and roads in the Subdivision Regulations (Subtitle 24) to allow participation in the funding of roadway improvements under certain circumstances. Staff presented a Proposed Draft-2 (DR-2), prepared at the bill's sponsor's request, to include a grandfathering provision for certain preliminary plans of subdivision. The additional language for this provision is in Section 2, on page 3, lines 1-6.

Council Chairman Franklin, the bill's sponsor, informed the Committee that he proposed CB-22-2015 to codify and maintain the status of the Brandywine Road Club that was established in the 1990's. The legislation ensures that the original agreement that was in place for review of certain preliminary plans of subdivision to ensure adequacy through road club contributions must be in accordance with the provisions added to Section 24-124(a)(8) by this legislation.

Tom Masog, M-NCPPC Transportation Section Supervisor, was present to respond to Council Members' questions. Mr. Masog informed the Committee that the 1990 "Road Club" plan clearly listed the properties included in the plan, as well as the amount of each contribution. He further explained that these properties, which were mostly zoned industrial at that time, have since been rezoned to mixed use, and are now moving forward in the development process, resulting in the impetus for codifying the provisions for the road club.

The Office of Law reviewed CB-22-2015 and found it to be in proper legislative form with recommended amendments intended to clarify as to terms in the bill, namely to include a definition for the term "road club" or "road club methodology" with Section 24-101 of the Code, as well as suggested technical amendments.

Thomas Haller, representing the developer of Stephen's Crossing, and Matt Tedesco, representing the developer of Villages at Timothy Branch, testified in support of the legislation.

The Committee voted favorable on CB-22-2015 including the grandfather provision in Proposed DR-2 as well as clarifying amendments recommended by the Office of Law. On page 2, line 4, change "as determined under" to "as defined by" before "the 'Guidelines'"; line 5, strike "in" and insert "for" in lieu thereof; and after "road club", strike "methodology".

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This subdivision bill provides for roadway improvements or trip reduction programs for which a subdivider participated or funded to alleviate any determination of inadequacy under the "Guidelines" set forth in a "road club" methodology, so long as the property is located within an area for which a road club methodology was established prior to November 16, 1993, for the contributions of multiple developers in the funding and construction of necessary road improvements to accommodate the identified impact of development projects in the area.

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-41-2015
 Chapter No. 30
 Proposed and Presented by The Chairman (by request – County Executive)
 Introduced by Council Member Franklin
 Co-Sponsors _____
 Date of Introduction June 23, 2015

BILL

1 AN ACT concerning

2 Department of Permitting, Inspections and Enforcement

3 For the purpose of adding certain fees; increasing certain fees; amending provisions of the
 4 County Code to remove fee references directly from the County Code that fall under the
 5 Department of Permitting, Inspections and Enforcement; requiring the Department of Permitting,
 6 Inspections and Enforcement to publish an annual comprehensive Table of Fees submitted by the
 7 County Executive to be approved by the County Council after legislative review and approval by
 8 resolution, after notice and public hearing; providing that this Act shall be retroactively effective
 9 to July 1, 2015; and generally relating to fees.

10 BY repealing and reenacting with amendments:

11 SUBTITLE 2. ADMINISTRATION.

12 Sections 2-253.09, 2-253.53, 2-253.55 and 2-253.58

13 SUBTITLE 4. BUILDING.

14 Section 4-352

15 SUBTITLE 5. BUSINESS AND LICENSES.

16 Sections 5-115, 5-160, 5-191, 5-198, 5-207, 5-214.01,
 17 and 5-234

18 SUBTITLE 12. HEALTH.

19 Sections 12-110, 12-114, and 12-166

20 SUBTITLE 13. HOUSING AND PROPERTY.

21 STANDARDS

Section 13-189

SUBTITLE 19. POLLUTION.

Section 19-104

SUBTITLE 22. ON-SITE SEWAGE DISPOSAL SYSTEMS.

Sections 22-103, 22-104, 22-108, 22-110, 22-113, 22-117, 22-118, and 22-119

SUBTITLE 23. ROADS AND SIDEWALKS.

Section 23-115

SUBTITLE 24A. TELEVISION AND RADIO EQUIPMENT REPAIR.

Section 24A-105

SUBTITLE 26A. MOTOR VEHICLE AND REPAIR.

Section 26A-105

SUBTITLE 32. WATER RESOURCES AND PROTECTION GRADING CODE.

Section 32-120

The Prince George's County Code (2011 Edition; 2014 Supplement).

BY adding:

SUBTITLE 2. ADMINISTRATION.

DIVISION 14C. FEES AND CHARGES.

Section 2-253.63

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 2-253.09, 2-253.53, 2-253.55, 2-253.58, 4-352, 5-115, 5-160, 5-191, 5-198, 5-207, 5-214.01, 5-234, 12-110, 12-114, 12-166, 13-189, 19-104, 22-103, 22-104, 22-108, 22-110, 22-117, 22-118, 22-119, 23-115, 24A-105, 26A-105 and 32-120 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 2. ADMINISTRATION.

DIVISION 14A. BUILDING CONTRACTOR'S LICENSE.

1 **Sec. 2-253.09. Application; fee; qualifications.**

2 * * * * *

3 (b) Any person desiring to be licensed as a building contractor in Prince George's County
4 shall make and file with the Director a written application on a form approved by the board.
5 Each application shall be accompanied by the [sum of Seventy-five Dollars (\$75.00) as]
6 application fee prescribed in the Table of Fees. The applicant shall furnish information which
7 shall remain confidential for use of the board only as to the applicant's character references and
8 financial responsibility, such responsibility may be shown by one or more of the following: Bank
9 business reference and past record with lending institutions, financial statements, credit rating
10 from an independent credit rating institution, bond, or other evidence of financial responsibility
11 which the board exercises its expertise in the building field may find sufficient. The bond to be
12 used to satisfy the requirement of financial responsibility shall be in the amount of Two
13 Thousand Dollars (\$2,000.00). The bond shall be conditioned that the licensee shall perform all
14 work done by the applicant in the County in accordance with the Building Code and laws of the
15 County and State. The County or any person damaged by failure of the licensee to comply with
16 such Code and laws may proceed against such bond in any court of competent jurisdiction. The
17 bonding provision may be satisfied if the applicant has obtained a bond in at least the amount of
18 Two Thousand Dollars (\$2,000.00) in connection with an organized program approved by the
19 board which provides the same protection to the public set forth herein.

20 * * * * *

21 **DIVISION 14B. MASTER ELECTRICIAN, JOURNEYMAN ELECTRICIAN,**
22 **APPRENTICE ELECTRICIAN, AND ELECTRICAL CONTRACTOR LICENSES.**

23 **Sec. 2-253.53. License application procedure; requirements.**

24 * * * * *

25 (b) Any person desiring to be licensed as an Electrical Contractor, Electrical Contractor,
26 Limited, Electrical Subcontractor, or Electrical Subcontractor, Limited, shall make and file with
27 the Director a notarized, written application on a form approved by the Board, together with a
28 nonrefundable application fee as [of One Hundred Dollars (\$100)] prescribed in the Table of
29 Fees, and a copy of a current Maryland construction license where insurance of not less than
30 Three Hundred Thousand Dollars (\$300,000.00) per occurrence, and required by State law. The
31 applicant shall provide proof of ownership of bodily injury liability and property damage liability

1 insurance of not less than Three Hundred Thousand Dollars (\$300,000.00) per occurrence, or
2 equivalent self-insurance. The application shall include information as to the trade name and
3 place of business of the person desiring to be licensed, and the name and license number of the
4 Master Electrician or Master Electrician, Limited, employed by the Electrical Contractor,
5 Electrical Contractor, Limited, Electrical Subcontractor, or Electrical Subcontractor, Limited, or
6 his firm to supervise and personally be responsible for electrical work performed under contract
7 of the Electrical Contractor or Subcontractor. The firm shall notify the Board within five (5)
8 working days of the name and license number of any person other than the persons named in the
9 original license or renewal license application as the Master Electrician or Master Electrician,
10 Limited, employed by the firm.

11 (c) Any individual desiring to be licensed as a Master Electrician shall make and file with
12 the Director a notarized, written application on a form approved by the Board, together with a
13 nonrefundable application fee as [of Sixty Dollars (\$60.00)] prescribed in the Table of Fees,
14 including:

15 * * * * *

16 (3) License Fee. Prior to issuance of a first year license following passing of the
17 qualifying examination, each applicant shall remit the amount [Sixty Dollars (\$60.00)]
18 prescribed in the Table of Fees to cover the cost of the first year license.

19 (d) Any individual desiring to be licensed as a Master Electrician, Limited, shall make and
20 file with the Director a notarized, written application on a form approved by the Board, together
21 with a nonrefundable fee as [of Sixty Dollars (\$60.00)] as prescribed in the Table of Fees for
22 each examination, including:

23 * * * * *

24 (3) License Fee. Prior to issuance of a first year license following passing of the
25 qualifying examination, each applicant shall remit the amount [Sixty Dollars (\$60.00)] the fee
26 prescribed in the Table of Fees to cover the cost of the first year license.

27 * * * * *

28 (e) Any individual desiring to be licensed as a Journeyman Electrician shall make and file
29 with the Director a notarized, written application on a form approved by the Board, together with
30 a nonrefundable fee as [of Fifty Dollars (\$50.00)] prescribed in the Table of Fees, including:

31 * * * * *

(7) License Fee. Prior to the issuance of a first year license and subsequent to passing the qualifying examination, each applicant shall remit [Fifty Dollars (\$50.00)] the fee prescribed in the Table of Fees to cover the costs of the first two-year license. The applicant will then be issued an Identification Card which shall be carried at all times while working on sites within the area of Prince George's County under the jurisdiction of this office.

* * * * *

(f) Any individual desiring to be licensed as an Apprentice Electrician shall make and file with the Director a notarized, written application on a form approved by the Board, together with a nonrefundable fee as [of Twenty-five Dollars (\$25.00)] prescribed in the Table of Fees, including:

* * * * *

(2) License Fee. Prior to issuance of a license, each applicant shall remit an additional [Twenty-five Dollars (\$25.00)] fee prescribed in the Table of Fees to cover the cost of the first two-year license.

Sec. 2-253.55. Term of licenses; renewal.

* * * * *

(b) A licensee may renew a license by making and filing with the Director a written application for renewal on a form approved by the Board, together with a fee [of Sixty Dollars (\$60.00)] as prescribed in the Table of Fees for each Master Electrician or Master Electrician, Limited; [Fifty Dollars (\$50.00)] for each Journeyman Electrician; and [Twenty-five Dollars (\$25.00)] for each Apprentice Electrician. The Director shall notify licensees by mail of the expiration date of their licenses sixty (60) days prior to the date of expiration.

(c) A licensee who fails to renew a license before the expiration date may renew the license within thirty (30) days after the expiration date upon filing a renewal application including the appropriate renewal fee and paying the [following] late fees[: One Hundred Dollars (\$100.00) for each Master Electrician or Master Electrician, Limited; Seventy-five Dollars (\$75.00) for each Journeyman Electrician; or Fifteen Dollars (\$15.00) for each Apprentice Electrician] prescribed in the Table of Fees. Except for Journeyman Electricians, any licensee who fails to renew a license within sixty (60) days after the expiration date may renew the license upon filing the renewal application together with a late fee as [of One Hundred Fifty Dollars (\$150.00)] prescribed in the Table of Fees. Satisfactory completion of an examination

1 shall be required by the Board except that the Board may waive the examination for good cause.

2 Licenses expired for longer than three (3) years are not renewable.

3 * * * * *

4 **Sec. 2-253.58. License display; duplicates; signs.**

5 * * * * *

6 (c) A duplicate Electrician's and/or Contractor's license may be obtained upon application
 7 and payment of a fee as [of Twenty Dollars (\$20.00)] prescribed in the Table of Fees to replace
 8 one that has been lost, defaced, or destroyed.

9 * * * * *

10 **SUBTITLE 4. BUILDING**

11 **DIVISION 5. ADMINISTRATIVE PROVISIONS.**

12 **Sec. 4-352. Fee Schedule.**

13 (a) General: No permit to begin work for new construction, alteration, removal,
 14 demolition, or other building operation shall be issued until the fees prescribed [by this Section]
 15 in the Table of Fees have been paid to Prince George's County, nor shall an amendment or
 16 revision to a permit necessitating an additional fee be approved until the additional fee has been
 17 paid. The fee for each building permit shall be based on the total construction cost of the
 18 building, structure, and/or any other improvement of the property for which such building permit
 19 is obtained.

20 * * * * *

21 (d) New Buildings, Additions, or Enlargements: Permit fees shall be based upon the area
 22 as calculated from exterior dimensions of all floors including balconies, mezzanines, basements,
 23 cellars and porches, and square foot construction costs set forth in the Building Valuation Data
 24 "Type of Construction Factor" published by the International Code Council, corresponding to the
 25 appropriate use group and type of construction and a fee multiplier of [0.0060] 0.0080.

26 (e) Alterations and Repairs on Existing Buildings--No Enlargement: The fee for repairs
 27 and alterations of any building or structure shall be [Fifteen Dollars (\$15.00) plus Three Dollars
 28 (\$3.00) for each Five Hundred Dollars (\$500.00) of estimated cost of work] as prescribed in the
 29 Table of Fees. [A minimum construction cost of Ten Thousand Dollars (\$10,000.00) will be
 30 used to determine the permit fee for all commercial projects and residential repairs. If the
 31 permittee is able to prove by verifiable cost data that the cost of the construction is less than Ten

1 Thousand Dollars (\$10,000.00), the permit fee will be prorated accordingly.] Proof of the
 2 amount of contract may be required prior to issuance of the Building Permit and kept as a
 3 permanent record of the permit. Cost estimates shall be computed on the basis of standard
 4 construction estimating practices as reflected in the current Mean's Construction Cost Data or
 5 equivalent authority.

6 (f) Townhouses: Permit fees shall be based upon the area (as calculated from exterior
 7 dimensions) of all floors including balconies, mezzanines, basements, cellars and porches,
 8 specialty items, and square foot construction costs set forth in the Building Valuation Data "Type
 9 of Construction Factor" published by the International Code Council, corresponding to the
 10 appropriate use group and type of construction and a fee multiplier of [0.0060] 0.0080. [In no
 11 consequence shall the minimum permit fee be less than One Thousand Dollars (\$1,000.00).]

12 * * * * *

13 (i) Miscellaneous Building Permit Fees: Beginning with the fiscal year [2009] 2016, and
 14 every fiscal year thereafter, the Director of the Department of Permitting, Inspections, and
 15 Enforcement shall submit a [schedule of miscellaneous permit fees] Table of Fees to the County
 16 Council for adoption by resolution. The [schedule] Table of Fees shall specify the amounts of
 17 the fees contained in this subsection (i) and may contain other provisions concerning fee
 18 administration. [The fee adjustments shall reflect, at a minimum, the annual average increase in
 19 the Consumer Price Index for all urban consumers published by the United States Department of
 20 Labor, for the fiscal year preceding the year for which the amount is being calculated.] The
 21 permit fees may be adjusted using a method established by the International Code Council's
 22 Building Safety Journal at the time of the adjustment, provided that the adjustments meet the
 23 minimum requirement stated above. [The fees shall be rounded to the nearest Five Dollar
 24 increment.]

25 * * * * *

26 **SUBTITLE 5. BUSINESS AND LICENSES.**

27 **DIVISION 2. BENEFIT PERFORMANCES.**

28 **Sec. 5-115. Fees.**

29 (a) The fee for a benefit carnival permit shall be [Fifteen Dollars (\$15.00) per ride with a
 30 minimum of One Hundred Seventy-five Dollars (\$175.00) for the first seven (7) days and One
 31 Hundred Dollars (\$100.00) per week, or portions of a week, thereafter] as prescribed in the Table

1 of Fees.

2 * * * * *

3 (c) Any benefit performance, other than a carnival, charitable gaming event, or a raffle,
4 that is to be operated repeatedly shall [have a fee of Fifty Dollars (\$50.00) per year] pay the fee
5 as prescribed in the Table of Fees.

6 (d) The fee for a benefit raffle permit shall be [Fifteen Dollars (\$15.00)] as prescribed in
7 the Table of Fees.

8 (e) The fee for a charitable gaming event permit, [shall be One Hundred Fifty Dollars
9 (\$150.00) for] each charitable gaming event and [Fifty Dollars (\$50.00) per month for] each
10 mechanical device that is operated on the premises of a permittee shall be as prescribed in the
11 Table of Fees.

12 * * * * *

13 **DIVISION 5. FORTUNETELLING AND OTHER SIMILAR PRACTICES.**

14 **Sec. 5-160. Fee.**

15 A fee [of Two Hundred Fifty Dollars (\$250.00)] as prescribed in the Table of Fees shall be
16 paid by an applicant [to the Director or his designee] when the initial application for a license is
17 filed [by an applicant]; thereafter, unless the license is denied, suspended, revoked, or otherwise
18 terminated, the license shall be renewed annually upon the payment of the [Two Hundred Fifty
19 Dollar (\$250.00)] license fee prescribed in the Table of Fees.

20 **DIVISION 12. PEDDLERS AND ITINERANT VENDORS.**

21 **Sec. 5-191. License Fees.**

22 (a) For licenses issued under this Division to hawkers, peddlers or itinerant vendors in the
23 County, the fee shall be [Seventy-five Dollars (\$75.00)] as prescribed in the Table of Fees. This
24 fee shall be collected by the Director of Finance.

25 (b) The fee for duplicate licenses issued under this Division shall be [Seventy-five Dollars
26 (\$75.00)] as prescribed in the Table of Fees and such fee shall be collected by the Director of
27 Finance.

28 **DIVISION 14. PUBLIC DANCES.**

29 **Sec. 5-198. License required; fee; and insurance.**

30 * * * * *

(b) The nonrefundable annual license fee for adult dance halls shall be [One Thousand Dollars (\$1,000.00) per year] as prescribed in the Table of Fees. The nonrefundable annual license fee for teen dance halls shall be [One Thousand Dollars (\$1,000.00) per year] as prescribed in the Table of Fees. The County Council finds that the license fee established for adult dance halls and teen dance halls in this ordinance is based on the estimated cost of implementation, administration, and enforcement of the licensing program. The adult dance hall and teen dance hall license shall be applied for annually.

* * * * *

DIVISION 15. DOOR-TO-DOOR SOLICITORS.

Sec. 5-207. License: fees.

A fee [of Twenty-five Dollars (\$25.00)] as prescribed in the Table of Fees shall be paid by an applicant [to the Director] when the initial application for a license is filed [by an applicant] pursuant to Section 5-203 of this Division, and such fee shall [not be returnable under any circumstances] be nonrefundable.

DIVISION 17. SWIMMING POOLS AND PUBLIC SPAS.

SUBDIVISION 3. LICENSES.

Sec. 5-214.01. Fee.

The fees for the issuance of public swimming pool licenses shall be proposed and recommended by the County Executive, [and] adopted by resolution of the County Council after notice and public hearing; and included in the Table of Fees.

DIVISION 19. SECONDHAND AND PAWN DEALERS.

Sec. 5-234. Secondhand Dealer and Pawn Dealer's and Employee Licenses.

* * * * *

(b) The license shall be valid for one (1) year, and each license or renewal shall be subject to an annual fee [of Five Hundred Dollars (\$500.00)] as prescribed in the Table of Fees.

(c) An applicant for a secondhand dealer or pawn dealer's license shall pay an annual fee [of Fifty Dollars (\$50.00)] as prescribed in the Table of Fees for each employee of the applicant. A secondhand dealer or pawn dealer shall pay [to the Director] an additional fee [of Fifty Dollars (\$50.00)] as prescribed in the Table of Fees for each employee when the employee is initially employed to cover the cost of conducting a criminal background check. Each employee of a secondhand dealer or pawn dealer shall submit a complete application for an employee license at

1 least five (5) business days prior to working in the business of a secondhand dealer or pawn
 2 dealer.

3 * * * * *

4 (e) The number of pawn dealer licenses shall be limited to thirty-one (31). Except as
 5 provided in this Section, pawn dealer licenses may not be leased, sold, assigned, or otherwise
 6 transferred, or held and operated where the controlling interest of the licensee's pawn shop
 7 business has been leased, sold, assigned or transferred to another individual or business. Such
 8 provision would not preclude the capital stock of publically traded companies, trading on a
 9 public stock exchange and registered with the Securities and Exchange Commission (the "SEC"),
 10 from being bought and sold.

11 * * * * *

12 (2) Notwithstanding the restriction on the number of licenses contained in this
 13 Section, the Director may transfer a valid and unsuspended pawn dealer license to the parent,
 14 sibling, or child of the person to whom the licensed was issued, upon the payment of [a] the fee
 15 [of Five Hundred Dollars (\$500.00)] as prescribed in the Table of Fees, provided the person is
 16 otherwise qualified to obtain the license. A license which has been revoked shall not be
 17 transferred.

18 * * * * *

19 **SUBTITLE 12. HEALTH.**

20 **SUBDIVISION 3. PERMITS AND INSPECTIONS.**

21 **Sec. 12-110. Posting permit; term; renewal; fees.**

22 * * * * *

23 (c) [The permit fee shall be as set forth in the following table:]

| [CLASS/ TYPE OF PERMIT] | [DURATION] | [ADDITIONAL REQUIREMENTS] | [FEE] |
|---|------------|--|-----------|
| [CLASS I special food service facility (as defined in COMAR 10.15.03)] | [1 day] | [application submitted 14 calendar days or more prior to event] | [\$25.00] |
| [CLASS I special food service facility (as defined in COMAR 10.15.03)] | [1 day] | [application submitted fewer than 14 calendar days prior to event] | [\$75.00] |

| | | | |
|--|-----------------------------------|---|------------|
| [CLASS II special food service facility (as defined in COMAR 10.15.03)] | [1 day] | [application submitted 14 calendar days or more prior to event] | [\$25.00] |
| [CLASS II special food service facility (as defined in COMAR 10.15.03)] | [1 day] | [application submitted fewer than 14 calendar days prior to event] | [\$75.00] |
| [CLASS II special food service facility (as defined in COMAR 10.15.03)] | [2-5 days, less than 1 year] | [none defined] | [\$75.00] |
| [CLASS I special food service facility] | [up to 1 year] | [none defined] | [\$425.00] |
| [CLASS III special food service facility] | [up to 1 year] | [none defined] | [\$425.00] |
| [CLASS IV special food service facility] | [up to 1 year] | [none defined] | [\$425.00] |
| [Farmer's Market Sampler's License] | [14 to 50 days] | [Dependent upon issuance of a Farmer's Market Permit. Excludes whole uncut produce or products produced with an On Farm Processing License.] | [\$25.00] |
| [Seasonal Food Service Facility – Farmer's Market] | [14 to 50 days, less than 1 year] | [Operating only with written permission at a Farmer's Market in the County, as defined by Section 27-107.01 (87.1) and as listed by the Maryland Department of Agriculture, for more than 14 days, but less than 50 days a year.] | [\$175.00] |
| [Nonprofit organizations] | [up to 1 year] | [not specifically exempted from the fee in Subsections (c) or (g)] | [\$175.00] |
| [Nonprofit organization (temporary) organization] | [1 to 5 days] | [must be staffed by members] | [\$ 0] |
| [Low Priority Hazard Analysis Critical Control Point (HACCP)] | [up to 1 year] | [none defined] | [\$225.00] |
| [Moderate Priority Hazard Analysis Critical Control Point (HACCP)] | [up to 1 year] | [none defined] | [\$325.00] |

| | | | |
|---|----------------|--|------------|
| [High Priority Hazard Analysis Critical Control Point (HACCP)] | [up to 1 year] | [none defined] | [\$425.00] |
| [All other food service facilities with NO Hazard Analysis Critical Control Point (HACCP) assessment] | [up to 1 year] | [subject to provision in Subsection (c)] | [\$325.00] |

1 Nonprofit organizations operating for a temporary period food and drink concessions which
 2 are staffed solely by members of the organization shall not be required to pay the fees prescribed
 3 in this Section. Further, food service facilities operated by the Prince George's County Board of
 4 Education, Blind Industries and Services of Maryland established by Chapter 566, Acts of 1908,
 5 or the Capital Area Community Food Bank and its recipient organizations in Prince George's
 6 County, Maryland, shall not be required to pay the fees prescribed in this Section. The Capital
 7 Area Community Food Bank will provide a list of recipient organizations to the Prince George's
 8 County Health Department on the first day of each year and amend that list as new recipient
 9 organizations are added. A duplicate permit will be issued, on request, at a charge of Fifteen
 10 Dollars (\$15.00).

11 (d) At the time of submitting plans to the Health Department for a new or remodeled food
 12 service facility, [a fee of Three Hundred Dollars \$300.00] for new facilities or a fee of Two
 13 Hundred Dollars (\$200.00) for remodeled facilities] fees as prescribed in the Table of Fees shall
 14 be paid. A fee [of Fifty Dollars (\$50.00)] as prescribed in the Table of Fees shall be paid for
 15 each resubmittal of plans after the first resubmittal. An additional fee [of One Hundred Dollars
 16 (\$100.00)] shall be paid as prescribed in the Table of Fees for each re-inspection after the first re-
 17 inspection required prior to approval to operate. A fee [of One Hundred Dollars (\$100.00)] shall
 18 be paid as prescribed in the Table of Fees for prospective inspections, consultations, and
 19 equipment evaluations. Prior to the sale of any permitted facility, the permit holder, or a
 20 potential buyer or party in interest in conjunction with the permit holder, may request that the
 21 Health Department conduct a change of ownership inspection to determine the facility's status
 22 regarding all applicable Health Department requirements. The change of ownership inspection
 23 fee shall be [Two Hundred Fifty Dollars (\$250.00)] as prescribed in the Table of Fees.

24 * * * * *

1 **Sec. 12-114. Food Service Manager Certification.**

2 * * * * *

3 (k) Application for a food service manager certificate must be made to the Department by
4 submitting the following:

5 (1) A completed application along with a [Thirty-five Dollar (\$35.00)] fee as
6 prescribed in the Table of Fees, and a recent photograph clearly showing the applicant's facial
7 features when trimmed to a size of 2 inches by 2 inches; and

8 * * * * *

9 (m) Renewal certificates will be issued upon receipt of the following:

10 (1) A complete application along with the [Thirty-five Dollar (\$35.00)] fee as
11 prescribed in the Table of Fees; and

12 * * * * *

13 (o) The fee for the replacement of a food service manager certificate is [Fifteen Dollars
14 (\$15.00)] prescribed in the Table of Fees.

15 **DIVISION 6. VENDING MACHINES.**

16 **Sec. 12-166. Permit fee.**

17 (a) For every vending machine location permit issued, a fee [of One Hundred Twenty-Five
18 Dollars (\$125.00)] as prescribed in the Table of Fees shall be paid before the issuance of any
19 permit.

20 (b) A duplicate permit will be issued, on request, at a charge [of Fifteen Dollars (\$15.00)]
21 as prescribed in the Table of Fees.

22 * * * * *

23 **SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.**

24 **DIVISION 4. RENTAL HOUSING.**

25 **Sec. 13-189. Schedule of fees; refunds; review of fees.**

26 (a) At the time of application for the initial license or for license renewal, [the Director
27 shall collect] a license and inspection fee [of Fifty Dollars (\$50.00)] for a multifamily rental
28 facility for each dwelling unit, and [Seventy-five Dollars (\$75.00) for] a single-family rental
29 facility for each dwelling unit shall be collected per the fee prescribed in the Table of Fees. The
30 license shall be for a two (2) year period.

31 * * * * *

SUBTITLE 19. POLLUTION.

DIVISION 1. AIR POLLUTION.

Sec. 19-104. Open fire permits required; fees.

* * * * *

(c) There shall be a fee [of Five Hundred Dollars (\$500.00)] as prescribed in the Table of Fees for an open fire permit issued for the purpose of land clearing. There shall be a [One Hundred Dollar (\$100.00)] fee as prescribed in the Table of Fees for renewal of open fire permits for the purpose of land clearing. The fee for all other open fire permits and for permit renewals are prescribed in the Table of Fees [Twenty-five Dollars (\$25.00)]. A duplicate permit will be issued, on request, at a charge [of Fifteen Dollars (\$15.00)] as prescribed in the Table of Fees.

* * * * *

SUBTITLE 22. ON-SITE SEWAGE DISPOSAL SYSTEMS.

DIVISION 2. SOIL PERCOLATION TESTERS, CONTRACTORS, AND CLEANERS OF SEWAGE SYSTEMS.

SUBDIVISION 1. SEPARATE LICENSES FOR CONTRACTORS AND PERCOLATION TESTERS.

Sec. 22-103. License application; fees.

* * * * *

(b) A license fee as designated [by the Health Officer] in the Table of Fees shall be payable upon application for a license, issued under this Subdivision.

Sec. 22-104. License term; renewal fee.

* * * * *

(b) Licenses may be renewed upon payment of a fee as designated [by the Health Officer] in the Table of Fees within thirty (30) days of the expiration date.

* * * * *

SUBDIVISION. 2. LICENSE FOR SCAVENGERS.

Sec. 22-108. License application; fee; number.

* * * * *

(b) A license fee as designated [by the Health Officer] in the Table of Fees shall be due and payable at the time of filing the application.

* * * * *

Sec. 22-110. License term; renewal fee.

* * * * *

(b) Licenses may be renewed upon payment of a fee as designated [by the Health Officer] in the Table of Fees within thirty (30) days of the expiration date.

* * * * *

Sec. 22-113. Vehicle Permits.

* * * * *

(b) A permit fee as designated [by the Health Officer] in the Table of Fees shall be due and payable at the time of application.

* * * * *

DIVISION 3. SEWAGE DISPOSAL SYSTEMS.

SUBDIVISION 1. PERMIT.

Sec. 22-117. Permit application; fee; information.

* * * * *

(b) The fee for each application filed shall be as designated [by the Health Officer] in the Table of Fees and payable upon filing the application. No fee shall be assessed for filing an application for a privy.

Sec. 22-118. Information to be submitted for issuance of a septic permit.

* * * * *

(b) A fee designated [by the Health Officer] in the Table of Fees shall be charged for a plat review of a private septic system or well.

(c) A fee designated [by the Health Officer] in the Table of Fees shall be charged for each time plans are required to be resubmitted for additional review because of errors or missing information, and the fee is payable when the plan is resubmitted.

Sec. 22-119. Permit issuance; term; renewal.

* * * * *

(c) Any permit that has been allowed to expire shall only be renewed upon submittal of a new application and payment of a fee as designated [by the Health Officer] in the Table of Fees.

SUBTITLE 23. ROADS AND SIDEWALKS.

DIVISION 2. PERMITS, BONDS, FEES.

Sec. 23-115. Permit fees.

(b) The Director shall establish and maintain a Table of Fees for all types of permits, shall have the authority to change the fees from time to time [as he determines necessary and to

1 republish the Table of Fees which shall be posted in the Department's Permit Office. Prior to
2 implementing a change in the fees, the Department shall publish the proposed change and hold a
3 public hearing thereon] pursuant to Section 2-253.63(d) and (e).

4 * * * * *

5 **SUBTITLE 24A. TELEVISION AND RADIO EQUIPMENT REPAIR.**

6 **Sec. 24A-105. Issuance; term; renewal; change in application information; amount of fee;**
7 **duplicates; nontransferable.**

8 * * * * *

9 (d) Every licensee shall pay an annual license fee as prescribed in the Table of Fees [to the
10 Director for each year or part thereof during which the license is to be valid]. [The] A separate
11 fee shall be [in the amount of Fifty Dollars (\$50.00)] paid for each business location of the
12 licensee in the County.

13 (e) If a license certificate is lost, mutilated or becomes illegible, the Director may issue a
14 duplicate license certificate upon application and payment of a fee in the amount [of Five Dollars
15 (\$5.00)] prescribed in the Table of Fees.

16 * * * * *

17 **SUBTITLE 26A. MOTOR VEHICLE REPAIR.**

18 **Sec. 26A-105. Motor vehicle repair facility license: issuance, term, renewal, change in**
19 **application information, amount of fee, duplicates, nontransferable.**

20 * * * * *

21 (d) Every licensee shall pay an annual license fee [to the Director for each year or part
22 thereof during which the license is to be valid. The fee shall be in the amount of Fifty Dollars
23 (\$50.00)] for each business location of the licensee in the County as prescribed in the Table of
24 Fees.

25 * * * * *

26 **SUBTITLE 32. WATER RESOURCES PROTECTION AND GRADING CODE.**

27 **SUBDIVISION 2. GENERAL PROVISIONS.**

28 **Sec. 32-120. Fee Schedule.**

29 (a) [The fee schedule] Fees for work performed in connection with the Grading, Drainage
30 and Pollution Control Division shall be [as follows:] set by the Director in the Table of Fees.

(1) General. No permit to begin work for new grading shall be issued until the fees [prescribed by this Section] have been paid to Prince George’s County, nor shall an amendment or revision to a permit necessitating an additional fee be approved until the additional fee has been paid. The minimum fee for a grading permit shall [not be less than \$20.00] be as prescribed in the Table of Fees. A nonrefundable filing fee for grading, storm drainage and stormwater management systems shall be [a minimum of fifty percent (50%)] one-third (1/3) of the estimated cost of the permit prescribed in the Table of Fees, and shall be applied to the permit fee if the permit is actually issued within six (6) months of the date of the application; otherwise, the permit application shall expire and the filing fee shall be forfeited.

(2) Grading, Storm Drainage, Stormwater Management and Pollution Control Permit Fees: Fees for permits for grading, drainage, pollution control and other site work shall be based upon that site area [(A), in square feet, remaining from the area of the entire site, (A1),] disturbed-due to land grading, clearing and construction. The grading permit fee shall be as prescribed in the Table of Fees and calculated based on square foot for disturbed land area [after deducting the remaining ground cover or surface, and in an amount as determined by the following Table:] as prescribed in the Table of Fees. Fees for permits that include public and private storm drain and stormwater management systems shall include storm drainage and stormwater management permit fees based upon ten percent (10% of the construction cost of the work, as estimated by the Department. The estimated cost for this purpose shall not include the contingency allowances.

[TABLE 1]

| [From] | [But Less Than] | [Fee Rate] |
|------------|-----------------|--|
| [0 Acres] | [1 Acre] | [\$.006 per Square Foot or fraction thereof] |
| [1 Acre] | [2 Acres] | [Additional \$230.00 per Acre or fraction thereof] |
| [2 Acres] | [10 Acres] | [Additional \$160.00 per Acre or fraction thereof] |
| [10 Acres] | [50 Acres] | [Additional \$90.00 per Acre or fraction thereof] |
| [50 Acres] | [200 Acres] | [Additional \$50.00 per Acre or fraction thereof] |

| | | |
|------------------------|-------------|---|
| [200 Acres] | [600 Acres] | [Additional \$30.00 per Acre or fraction thereof] |
| [600 Acres or Greater] | | [Additional \$24.00 per Acre or fraction thereof] |

(6) Fee for Modification of Permit. Except for stormwater management facilities, the fee for processing a minor modification of a [modifying] permit or application shall be a minimum of One-Hundred dollars (\$100.00) [Ten Dollars (\$10.00)]. If an extensive plan review is required, the fee shall be sufficient to offset the cost of plan review and services as determined by the Director.

(8) Stormwater Management Facility Plan Review Fees. The fee for review of stormwater management concept plans, public and private storm drain systems, and public and private storm drain pipes shall be [One Hundred Dollars (\$100.00) for a single residential lot and Two Hundred Fifty Dollars (\$250.00) for all other plans] as prescribed in the Table of Fees. [The fee for review of stormwater concept plans shall be Three Dollars (\$3.00) per linear foot of public storm drain pipe or Two Hundred Fifty Dollars (\$250.00), whichever is greater. The fee for review of a private storm drain system shall be One Dollar fifty cents (\$1.50) per linear foot of private storm drain pipe or One Hundred Twenty-Five Dollars (\$125.00), whichever is greater.] The fee for special drain permits shall be One Hundred Dollars (\$100.00) per connection. The fee for major revisions shall be [One Hundred Dollars (\$100.00) or] 25% of the original [review] permit fees, [whichever is greater]. The fee for minor revisions shall be One Hundred Dollars (\$100.00). If a storm drain permit is not obtained within a twenty-four (24) month period after technical approval of the plans, a fee of One Hundred Dollars (\$100.00) shall be charged for updating the plans. The fee for as-built submittals shall be [Two Hundred Fifty Dollars (\$250.00)] as prescribed in the Table of Fees. The review fee charge for tax-exempt properties, including non-profit organizations, and churches shall be one half of the fees recited in this subsection. All Prince George's County affiliated public services, chartered cities and municipalities will not be charged.

SECTION 2. BE IT ENACTED by the County Council of Prince George's County,

1 Maryland, that Section 2-253.63 of the Prince George's County Code be and the same is hereby
2 added:

3 **SUBTITLE 2. ADMINISTRATION.**

4 **DIVISION 14C. FEES AND CHARGES.**

5 **Sec. 2-253.63. Fees and Charges.**

6 (a) This fee schedule applies to fees and charges assessed by Prince George's County,
7 Maryland for regulated activities that occur within its jurisdiction.

8 (b) The fees prescribed in this schedule will supersede previous fees and charges assessed
9 by Prince George's County, Maryland for regulated activities that occur within its jurisdiction.

10 (c) All fees and charges are subject to a 5% technology fee with the exception of the multi-
11 family rental license fee and the single-family rental license fee.

12 (d) The Director of the Department of Permitting, Inspections and Enforcement shall
13 establish and maintain a comprehensive Table of Fees, as referenced and included in this Bill, for
14 all types of permits. The Director or the County Council shall have the authority to change the
15 fees from time to time as is determined necessary; and the Director shall republish the Table of
16 Fees which shall be posted in the Department of Permitting, Inspections and Enforcement's
17 Permit Office and on its website. Prior to implementing a change in the fees, the Director of the
18 Department of Permitting, Inspections and Enforcement shall hold public informational sessions
19 to allow for public comment as part of this process. The Director shall also submit the proposed
20 Table of Fees to the County Executive for approval and for transmittal to the County Council for
21 legislative review and approval by resolution, after notice and public hearing.

22 (e) The Director of the Department of Permitting, Inspections and Enforcement shall
23 promulgate written regulations to establish and govern a method of notification for increases as a
24 result of the International Code Council and industry standard increases. The Director shall also
25 promulgate written regulations for the administration of the provisions of this Section and shall,
26 at his or her discretion, hold public informational sessions to allow for public comment as part of
27 this process.

28 (f) Fees may be adjusted using a method established by the International Code Council
29 and industry standards pursuant to paragraphs (d) and (e) of this Section. Any changes to fees
30 and charges that are not connected to the International Code Council or industry standards shall
31 be changed by County Council approval by resolution, after notice and public hearing.

1 (g) Each fee set forth in the schedule shall be paid in advance of the issuance of a permit,
2 license, plan or item as set forth in the schedule. Fees shall not be refunded in whole or in part
3 once work has begun, licenses or permits have been issued or funds have been encumbered.
4 Prior to those itemized occurrences and within six (6) months of payment, it is within the
5 discretion of the Director of the Department of Permitting, Inspections and Enforcement to issue
6 a refund.

7 (h) The fees and charges shall be designated in a Table of Fees.

8 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
9 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
10 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
11 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
12 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
13 Act, since the same would have been enacted without the incorporation in this Act of any such
14 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
15 or section.

16 SECTION 4. BE IT FURTHER ENACTED that the Table of Fees, "ATTACHMENT A"
17 attached hereto and made a part hereof, shall be made available electronically and in hard copy
18 by the Department of Permitting, Inspections and Enforcement and shall be set forth as an
19 uncodified provision of the Prince George's County Code. Amendments to the Table of Fees
20 shall be subject to legislative review and approval by the County Council by resolution, after
21 notice and public hearing, pursuant to Section 2-253.63.

22 SECTION 5. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
23 calendar days after it becomes law and shall be retroactively effective to July 1, 2015. The fiscal
24 year begins on July 1, 2015. This Act is a key component of the County's budget and fiscal plan
25 for fiscal year 2016 and is required to ensure a balanced budget. This Act increases fees and adds
26 new fees, to allow the County to continue its significant investments and commitments of
27 improving customer service and support technology upgrades at the one-stop shop within the
28 Department of Permitting, Inspections and Enforcement.

29 SECTION 6. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
30 calendar days after it becomes law and shall be retroactively effective to July 1, 2015.

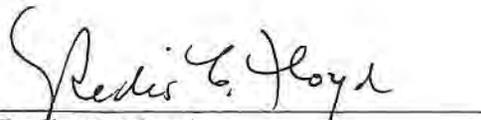
Adopted this 21st day of July, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND



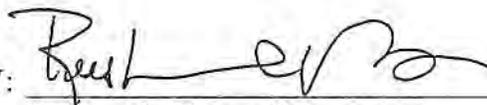
BY: _____
Mel Franklin
Chairman

ATTEST:



Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: 7-30-2015 BY:  _____
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

ATTACHMENT A
TABLE OF FEES

| Fees | Minimum Fee | Industry Fee Calculation (if higher than minimum) |
|--|-------------|---|
| Food Service - (Food Protection Program) FPP Pre-settlement Inspection | \$375 | - |
| Food Service Facility - High HACCP (Hazard Analysis Critical Control Point) Priority | \$640 | - |
| Food Service Facility - Low HACCP Priority | \$340 | - |
| Food Service Facility - Mobile Unit | \$640 | - |
| Food Service Facility - Moderate HACCP Priority | \$500 | - |
| Food Service Facility - Non-profit | \$250 | - |
| Food Service Facility - Processing Plant | \$500 | - |
| Food Service Facility - Warehouse | \$500 | - |
| Food Service Facility (FSF) - Farmers Market | \$250 | - |
| Inspection Request - (Permit and Plan Review) PPR On-site Equipment Evaluation | \$150 | - |
| Inspection Request - FPP Prospective Inspection | \$150 | - |
| Inspection Request - PPR Prospective Inspection | \$150 | - |
| Request - Plan Review FSF - New | \$450 | - |
| Request - Plan Review Walk-Thru (PRWT) 2nd Resubmittal FSF | \$75 | - |
| Request - Plan Review/remodel | \$300 | - |
| Request - Plan Review Walk-Thru (PRWT) 2nd Resubmittal Pool | \$40 | - |
| Request - Plan Review Walk-Thru (PRWT) 2nd Resubmittal Septic | \$75 | - |
| | | |
| Food Service Manager Certification - Food Service Manager Card | \$55 | - |
| Food Service Manager Certification - Training Class | \$45 | - |
| Food Service Manager Certification - Training Class Recertification. | \$25 | - |
| | | |
| Food Service Facility - Vending Machine | \$200 | - |
| | | |
| Food Service Facility - Temporary Event | \$125 | - |

| | | |
|---|-------|------|
| Bi-Annual Multi-Family Rental License Fees (per unit) | \$75 | |
| Bi-Annual Single Family Houses/Town Houses Rental License | \$115 | |
| Open Burning – Agricultural | \$40 | - |
| Open Burning – Recreational* | \$40 | - |
| Electrical - Apprentice License Renewal | \$50 | - |
| Electrical - Exam Journeyman | \$100 | - |
| Electrical - Exam Master (Limited & Unlimited) | \$120 | - |
| Electrical – Journeyman License | \$100 | - |
| Electrical - Journeyman License Renewal | \$100 | - |
| Electrical - License (All Contractors) | \$200 | - |
| Electrical – Master License | \$120 | - |
| Electrical - Master (Limited & Unlimited) & Contractor License Renewal | \$320 | - |
| Electrical - Master (limited) License | \$120 | - |
| Electrical- Master Late Fee – License Renew within 30 days after expiration* | \$150 | - |
| Electrical - Master Late Fee – License Renew within 60 days after expiration* | \$200 | - |
| Contractor - Apprentice – License Renew within 30 days after expiration | \$25 | - |
| Building Contractor License | \$120 | - |
| Building Contractor License Renewal | \$75 | - |
| Letter of Reciprocity | \$25 | \$25 |
| Use & Occupancy (Non-Food Facilities) | \$130 | - |
| Contractor - Percolation Tester License | \$375 | - |
| Contractor - Scavenger Company License | \$225 | - |
| Contractor - Septic System Installer's License | \$375 | - |
| Percolation Test - Existing Lot | \$255 | - |

| | | |
|---|---------|---|
| Percolation Test - Innovative or Alternate | \$375 | - |
| Pool Closure Re-inspection | \$225 | - |
| Septic Commercial (12 mo.) | \$450 | - |
| Septic Commercial Renewal (6 mo.) | \$115 | - |
| Septic Commercial Renewal (6 mo.) | \$340 | - |
| Septic Residential (12 mo.) | \$450 | - |
| Septic Residential Renewal (6 mo.) | \$115 | - |
| Septic Residential Renewal (6 mo.) | \$340 | - |
| Use & Occupancy (Food Facilities) | \$135 | - |
| | | |
| Logging/Timber Harvest/Transport | \$90 | - |
| | | |
| Letter of Responsibility | \$115 | - |
| | | |
| Haul Road | \$1,200 | - |
| | | |
| Special Permit for Oversize/Overweight Vehicle* | \$1,200 | - |
| | | |
| Driveway Apron Rural Double Pipe | \$315 | - |
| Driveway Apron Rural Double Pipe & End Sections | \$390 | - |
| Driveway Apron Rural Double Pipe & Headwalls | \$465 | - |
| Driveway Apron Rural Double Swale | \$180 | - |
| Driveway Apron Rural Single Pipe | \$180 | - |
| Driveway Apron Rural Single Pipe & End Sections | \$255 | - |
| Driveway Apron Rural Single Pipe & Headwalls | \$330 | - |
| Driveway Apron Rural Single Swale | \$150 | - |
| Driveway Apron Urban Double Standard | \$250 | - |
| Driveway Apron Urban Single Standard | \$170 | - |
| Driveway Parking Pad | \$90 | - |
| | | |
| Motor Vehicle Repair Facility | \$75 | - |
| | | |
| Site Development Concept Plan | \$150 | - |
| Site Development Concept Plan | \$500 | - |
| Site Development Concept Plan | \$500 | - |
| Site Development Concept Plan | \$250 | - |
| | | |
| Stormwater Management and Storm Drain As-built Plan | \$375 | - |

| | | |
|---|-------|---|
| Temporary Gravel Access | \$300 | - |
| Grading Fee (outside of public right of way per Section 32-120) | \$40 | \$0.008/sq. ft. – of disturbed area |
| Storm Drain, Stormwater Management Permit Fee (Private and Public Systems Outside of the ROW) | | 10% of total construction cost |
| Fortunetelling License | \$375 | - |
| ADA Chairlift/Vertical Lift (Exterior) | \$115 | \$50+ Grading Fee+ Construction Cost * 0.008 |
| ADA Chairlift/Vertical Lift (Interior) | \$115 | \$50 + Construction Cost * 0.008 |
| Addition – Residential | \$340 | \$50 + sqft * BVD * 0.008 +Grading Fee |
| Addition/Enlargement - Commercial | \$750 | \$50 + sqft * BVD * 0.008+Grading Fee |
| Alteration/Repair (Interior) | \$90 | \$50+Construction Cost * 0.008 |
| Alteration/Repair without U&O | \$150 | \$50+Construction Cost * 0.008+Grading Fee |
| Basement Finishing | \$340 | \$50+Construction Cost * 0.008 |
| Carport | \$90 | \$50 + sqft * BVD*0.008 + Grading fee |
| Commercial Building Permit Modification prior to Issuance | \$150 | - |
| Commercial Building Permit Revision after Issuance | \$500 | - |
| Deck | \$115 | \$115+ Grading fee |
| Demolition (Not full raze) | \$130 | Construction cost * 0.008+Grading Fee if exterior |
| Elevator (interior) | \$115 | \$50 + Construction Cost * 0.008 |
| Enclosed Existing Porch/Deck | \$115 | \$50 + Construction Cost * 0.008 |
| Fence – Commercial | \$150 | - |
| Fence – Residential | \$110 | - |
| Fire Damage | \$500 | \$50 + Construction Cost * 0.008 |

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|---|---------|---|
| Fire Alarm fee - per floor | \$200 | - |
| Fire - Sprinkler | \$115 | - |
| Fire Sprinkler (0 - 10,000 sq. ft.)** | \$175 | or \$3 per Sprinkler head |
| Fire Sprinkler (10,001 - 30,000 sq. ft.)** | \$250 | or \$3 per Sprinkler head |
| Fire Sprinkler (30,001 - 75,000 sq. ft.)** | \$300 | or \$3 per Sprinkler head |
| Fire Sprinkler (75,001 - 125,000 sq. ft.)** | \$400 | or \$3 per Sprinkler head |
| Fire Sprinkler (125,001 - 200,000 sq. ft.)** | \$500 | or \$3 per Sprinkler head |
| Fire Sprinkler (200,001 & Larger sq. ft.)** | \$600 | or \$3 per Sprinkler head |
| Fireplace w/Chimney | \$125 | - |
| Garage Detached/Attached | \$90 | \$50 + 0.008 * BVD * Sqft + Grading Fee |
| Gazebo | \$90 | - |
| Mobile Home Replacement (Third-Party, Existing Parks Only) | \$375 | - |
| Mobile Home Replacement (County, Existing Parks Only) | \$1,125 | - |
| New Construction - Commercial | \$3,500 | \$50+ sqft * BVD*0.008 + Grading Fee |
| New Single Family Dwelling <= 3,500 sq. ft. | \$3,100 | \$50+sqft * BVD * 0.008 +Grading Fee- |
| New Single Family Dwelling > 3,500 sq. ft. | \$3,100 | \$50+ sqft * BVD*0.008 + Grading Fee |
| Observation Stand | \$100 | \$50 + construction cost * 0.008 + Grading Fee |
| Open Pit (outside) | \$115 | - |
| Patio > 500 sq. ft. | \$115 | \$115 + Grading Fee |
| Permit Renewal | \$100 | - |
| Permit Renewal | \$200 | - |
| Prefabricated Fireplace/Wood Stove | \$90 | \$50+construction cost * 0.008 |
| Ramp | \$115 | - |
| Raze - Residential | \$120 | \$120 + Grading Fee |
| Raze - <u>Commercial</u> | \$500 | \$500 + Grading Fee |
| Residential Building Permit Modification prior to Issuance | \$50 | - |
| Residential Building Permit Revision after Issuance | \$100 | - |
| Restoration Commercial | \$200 | \$200 + Grading Fee |
| Restoration Residential | \$120 | \$120 + Grading Fee |
| Restoration Residential Swimming Pool | \$120 | \$120 + Grading Fee |

| | | |
|--|---------------------------------|--|
| Retaining Wall | \$90 | \$50+ construction cost * 0.008 + Grading Fee |
| Retaining Wall > 2 ft. | \$150 | \$50+ construction cost * 0.008 + Grading Fee |
| Roofing (covering) | \$150 | \$50+ construction cost * 0.008 |
| Roofing (Shingles & Plywood) | \$90 | \$50+ construction cost * 0.008 |
| Shed > 150 sq. ft. | \$90 | \$50+construction cost * 0.008 + Grading Fee |
| Signs, Freestanding | \$200 | \$50+construction cost * 0.008 + Grading Fee |
| Solar Panels (Ground-mounted) | \$100 + Grading Fee | \$50+construction cost * 0.008 + Grading Fee |
| Solar Panels (Ground-mounted/Pole) | \$200+ Grading Fee | \$50+construction cost * 0.008 + Grading Fee |
| Solar Panels (Roof-mounted) - Residential | \$100 | \$50+ construction cost * 0.008 |
| Solar Panels (Roof-mounted) - Commercial | \$200 | \$50+ construction cost * 0.008 |
| Special Event | \$150 (first 10 Structures) | \$20 for each additional structure |
| Sun Room | \$150 | \$50+construction cost * 0.008 + Grading Fee |
| Swimming Pool - Commercial | \$375 | \$50+ Grading Fee if in- ground |
| Swimming Pool (Above-ground) - Residential | \$100 | - |
| Swimming Pool (In-ground) - Residential | \$225 | \$225 + Grading Fee |
| Tanks (above ground) | \$125 | \$50+ construction cost * 0.008+ Grading Fee |
| Tanks (below ground) | \$125 | \$50+ construction cost * 0.008+ Grading Fee |
| Tanks (removal) | \$130 | \$50+construction cost* 0.008+Grading Fee |
| Telecommunication Antennas (Modification) | \$225 | - |
| Telecommunication Antennas (Co-location) | \$375 | - |
| Telecommunication Antennas (new) | \$750 | \$50+ construction cost * 0.008+ Grading Fee |
| Television & Radio Equipment Repair Facility | \$75 | - |

| | | |
|---|------------------------------|--|
| Temporary Use & Occupancy | \$150 (first 10 Structures) | + \$20 per each additional Structure |
| Temporary Construction Trailer (Use & Occupancy) | \$200 | - |
| Tenant fit out (New) | \$150 | \$50+ construction cost * 0.008 + U&O |
| Townhouse New <u>Permit</u> Application | \$900 +Grading Fee | - |
| Townhouse New Permit <u>Issuance</u> | \$850 +Grading Fee | + \$340 for Finished basement |
| Townhouse Use & Occupancy | \$85 | - |
| Tower Cranes | \$500 | - |
| U&O 1&2 Family Dwelling | \$85 | - |
| Underpinning | \$85 | \$50+construction * 0.008 + Grading Fee |
| Use & Occupancy - New Building or Addition to Existing Building | \$210 | - |
| Use & Occupancy - No Construction - New Tenant or Owner Change | \$150 | - |
| Waterproofing (Exterior Work) | \$150 | - |
| Waterproofing (Interior Drain) | \$150 | - |
| | | |
| Peddlers & Itinerant Vendors (ice cream trucks only) | \$115 | - |
| | | |
| Public Dance License | \$1,500 | - |
| | | |
| Public Swimming Pool/Spa - Indoor | \$900 | - |
| Public Swimming Pool/Spa - Outdoor | \$600 | - |
| | | |
| Pawn Dealer Employee License Renewal | \$100 | - |
| Pawn Dealer License Renewal | \$1,000 | - |
| Pawn Dealer New Employee License | \$150 | - |
| Secondhand Dealer Employee's License Renewal | \$100 | - |
| Secondhand Dealer License | \$1,000 | - |
| Secondhand Dealer New Employee's License | \$150 | - |
| Solicitor (Door to Door) License | \$50 | - |
| | | |
| Benefit Performance - Carnival Permit | \$25 | - |
| Benefit Performance - Carnival Permit | \$275 | - |
| Benefit Performance - Carnival Permit | \$150 | - |
| Benefit Performance - Charitable Gaming Event | \$225 | - |

| | | |
|---|-----------|---|
| Permit | | |
| Benefit Performance - Charitable Gaming Event Permit | \$75 | - |
| Benefit Performance - Raffle Permit | \$25 | - |
| | | |
| Electrical - Residential | See below | - |
| Electrical - Commercial | See below | - |
| Electrical Permit Fee -Work with Power Company | \$40 | - |
| Electrical Permit Fee -Electrical Demolition | \$70 | - |
| Electrical Permit Fee -Audio/ Video Equipment | \$85 | - |
| Electrical Permit Fee -Data/Telephone Equipment | \$85 | - |
| Electrical Permit Fee -Swimming Pool | \$115 | - |
| Electrical Permit Fees - Bonding only | \$90 | - |
| Electrical Permit Fee - Therapeutic Pool, Spa, Tub, Hydro-massage | \$70 | - |
| Electrical Permit Fee -Radio/TV/Satellite Communication Station | \$85 | - |
| Electrical Permit Fee -New Home- (Up to 400 amp) | \$150 | - |
| Electrical Permit Fee-New Home- (Over 400 amp) | \$210 | - |
| Electrical Permit Fee-Security Alarm | \$85 | - |
| Electrical Permit Fee -Sub Panel (Up to 300 Amps) | \$70 | - |
| Electrical Permit Fee-Sub Panel (Over 300 Amps) | \$90 | - |
| Electrical Permit Fee-Rough Wire Outlet, Segment of 15 | \$25 | - |
| Electrical Permit Fee -Light Fixture, exclude Light Pole, (Segment of 15) | \$25 | - |
| Electrical Permit Fee -Light Pole | \$40 | - |
| Electrical Permit Fee -Motor Control Center | \$130 | - |
| Electrical Permit Fee -Generator | \$45 | - |
| Electrical Permit Fee -Transfer Switch | \$45 | - |
| Electrical Permit Fee -Transformer and UPS System | \$55 | - |
| Electrical Permit Fee -Motor | \$30 | - |
| Electrical Permit Fee-Appliance | \$45 | - |
| Electrical Permit Fee -Office Partition (relocatable) Furniture Whip | \$30 | - |
| Electrical Permit Fee -Heating Equipment Unit | \$30 | - |
| Electrical Permit Fee-A/C Equipment Unit | \$30 | - |
| Electrical Permit Fee-Dispenser with Pump | \$70 | - |
| Electrical Permit Fee-Imaging Equipment (Catscan, MRI, X-ray) | \$75 | - |

| | | |
|---|-------|---|
| Electrical Permit Fee-Dental Chair | \$40 | - |
| Electrical Permit Fee-Electrical Sign | \$40 | - |
| Electrical Permit Fee -Spray Paint Booth | \$150 | - |
| Electrical Permit Fee -Temporary Fire Alarm | \$70 | - |
| Electrical Permit Fee -Fire Alarm | \$85 | - |
| Electrical Permit Fee-Re-Introduction of Power | \$90 | - |
| Electrical Permit Fee -Whole House Low Voltage | \$150 | - |
| Electrical Permit Fee-Service Equipment/ Heavy Up (0 - 300 Amps) | \$70 | - |
| Electrical Permit Fee-Service Equipment/ Heavy Up (Over 300 Amps) | \$135 | - |
| New Electrical Permit Fee -Smoke Detector (Segment of 15) | \$35 | - |
| New Electrical Permit Fee -Multi-Family Dwelling - Apts/Condos (individual meter) | \$95 | - |
| New Electrical Permit Fee -Trench | \$90 | - |
| New Electrical Permit Fee - Thermostat | \$45 | - |
| New Electrical Permit Fee -Work Started by Others | \$150 | - |
| New Electrical Permit Fee - Disconnect - Amp | \$95 | - |
| New Electrical Permit Fee - Exit Sign (Segment of 15) | \$35 | - |
| New Electrical Permit Fee - Solar PV System- Residential | \$75 | - |
| New Electrical Permit Fee - Solar PV System - Commercial (Group of 100 panels) | \$70 | - |
| New Electrical Permit Fee -Temporary Wiring | \$110 | - |
| New Electrical Permit Fee-Meter Stack/Replacement (individual meter) | \$35 | - |
| New Electrical Permit Fee -Miscellaneous | \$75 | - |
| New Electrical Permit Fee -Fire Pump | \$275 | - |
| New Electrical Permit Fee - Cut - in Power | \$90 | - |
| | | |
| Pool Operator License | \$75 | - |
| Pool Preopening Re-inspection | \$225 | - |
| | | |
| Scavenger Vehicle | \$225 | - |
| | | |
| Agricultural Well Certification | \$150 | - |
| | | |
| Subdivision Record Plat Mylar Plan Review | \$150 | - |

| | | |
|---------------------------|-------|---|
| Well - Monitoring Permit | \$120 | - |
| Well - Non-potable Permit | \$120 | - |
| Well – Potable – Permit | \$120 | - |

Prince George's County Council Agenda Item Summary

Meeting Date: 7/21/2015
Reference No.: CB-041-2015
Draft No.: 4
Proposer(s): County Executive
Sponsor(s): Franklin
Item Title: An Act for the purpose of amending the Prince George's County Code to create a comprehensive Table of Fees regarding permits, licenses, plans or items set forth in the Table of Fees

Drafter: LaKeecia Allen, Office of Law
Resource Personnel: Susan Hubbard, DPIE
Haitham A. Hijazi, DPIE

LEGISLATIVE HISTORY:

| | | | |
|----------------------------|--|--------------------------|-------------|
| Date Presented: | 6/2/2015 | Executive Action: | 7/30/2015 S |
| Committee Referral: | 6/2/2015 - C.O.W. | Effective Date: | 9/14/2015 |
| Committee Action: | 6/2/2015 - HELD 6/23/2015 - FAV(A) | | |
| Date Introduced: | 6/23/2015 | | |
| Public Hearing: | 7/21/2015 - 10:00 AM | | |
| Council Action (1) | 7/21/2015 - ENACTED | | |
| Council Votes: | DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:A, DT:A, KT:A, TT:- | | |
| Pass/Fail: | P | | |
| Remarks: | Retroactively effective to 7/1/2015 | | |

AFFECTED CODE SECTIONS:

02-253.09, 02-253.53, 02-253.55, 02-253.58, 02-253.63, 04-352, 05-115, 05-160, 05-191, 05-198, 05-207, 05-214.01, 05-234, 12-110, 12-114, 12-166, 13-189, 19-104, 22-103, 22-104, 22-108, 22-110, 22-113, 22-117, 22-118, 22-119, 23-115, 24A-105, 26A-105, 32-120

COMMITTEE REPORTS:

COMMITTEE OF THE WHOLE

Date 6/23/2015

On June 23, 2015, the Committee of the Whole met to consider CB-41-2015 Proposed DR-2

The Legislative Officer summarized the three sets of substantive amendments; namely, (1) requiring Council approval of recommended fees through adoption of a resolution, after notice and public hearing, (2) providing an effective date, retroactive to July 1, 2015, due to the bill's significance in the Fiscal Year 2016 budget plan, and (3) removing three categories of fees from the bill (adult bookstore/adult video store, going out of business sales, and off the road vehicles) because there is no exemption to Charter Section 813, which requires non-exempt fees to be subject to referendum.

CB-41-2015 was amended, by Council Member Turner's amendments, DR-2, by a vote of 9-0, favorable with

amendments, as follows:

1. On page 20, in line 13, and in lines 20-21, delete “may, at his or her discretion” and replace with “shall”.
2. On page 21, in line 3 down through page 33, designate the Table of Fees as “Attachment A” and further designate the Table of Fees as an inclusionary file.
3. On page 26, Chart @ Fence - Commercial, strike \$110 and replace \$150 and Fence – Residential strike \$150 and replace \$110.
4. On page 26, Chart @ Additions, add “(Residential)” and at Additions/Enlargement, add “(Commercial)”.
5. On page 34, after line 5, insert a new Section 4 and renumber the two remaining uncodified provisions.
6. On page 34, in new Section 4, insert:
 “The Table of Fees shall be made available electronically and in hard copy by the Department of Permitting, Inspections and Enforcement and shall be set forth as an uncodified provision of the Prince George’s County Code. Amendments to the Table of Fees shall be subject to legislative review and approval by the County Council, by resolution, after notice and public hearing, pursuant to Section 2-253.63.”

Prior to Introduction, CB-41-2015 DR-2 was amended, by Council Member Toles amendments, as follows:

1. On page 20, in line 9, after “Director” insert “and the County Council”.
2. On page 20, in line 15, after “Executive” insert “for approval and”.

CB-41-2015 DR-3 was introduced.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

An Act for the purpose of amending the Prince George’s County Code to create a comprehensive Table of Fees regarding permits, licenses, plans or items set forth in the Table of Fees. The Fees will be set forth in the County Code in the Table of Fees creating a concise schedule of fees.

7/21/2015 - CB-41-2015 (DR-3) was amended on the floor prior to enactment as follows:

1. On page 19, in line 14, bracket “and” and insert “or”.
2. On page 19, in line 15, after “and” insert “the Director”.

CB-41-2015 (DR-4) was enacted.

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2015 Legislative Session

Bill No. CB-46-2015

Chapter No. 34

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Members Franklin, Toles, Lehman, Harrison, Davis and Taveras

Co-Sponsors

Date of Introduction July 21, 2015

BILL

1 AN ACT concerning

2 Fire Safety Code

3 For the purpose of amending the Prince George's County Fire Safety Code to adopt the standards
4 of the National Fire Protection Association regarding increasing administrative fees for
5 apartment buildings related to fire safety.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 11. FIRE SAFETY.

8 Section 11-163

9 The Prince George's County Code

10 (2011 Edition; 2014 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, that Section 11-163 of the Prince George's County Code be and the same is hereby
13 repealed and reenacted with the following amendments:

14 SUBTITLE 11. FIRE SAFETY.

15 DIVISION 2. ADMINISTRATION.

16 * * * * *

17 Sec. 11-163. Fire Inspection Fees.

18 The schedule of fees to be charged by the Fire/EMS Department to cover the administrative costs
19 associated with the inspections required by this Subtitle shall be:

| OCCUPANCY | FEE |
|---------------|-----|
| (1) Assembly: | |

| OCCUPANCY | FEE |
|--|---|
| (a) 1,001 or more individuals | \$360.00 |
| (b) 301-1,000 individuals | \$240.00 |
| (c) 50-300 individuals | \$120.00 |
| (2) Fairgrounds: | |
| (a) Nine buildings or less | \$240.00 |
| (b) 10 or more buildings | \$480.00 |
| (3) Educational (Non Public Schools): | |
| (a) Elementary, Kindergarten and Pre-Kindergarten Schools | \$120.00 |
| (b) Middle or Junior High School | \$180.00 |
| (c) Senior High School | \$180.00 |
| (4) Family or Group Day Care Homes: | |
| (a) Initial Inspection | \$75.00 |
| (b) Renewal Inspection | \$50.00 |
| (5) Nursery or Day Care Center | \$100.00 |
| (6) Health Care: | |
| (a) Ambulatory Health Care Center Per 3,000 Sq. Ft. or portion | \$180.00 |
| (b) Hospital, Nursing Home, Limited Care Facility [Per Building] | \$120.00 per Building + \$2.50 per Bed inspected |
| (7) Detention and Correctional: (fee may be waived) [Per building] | \$120.00 per Building + \$2.50 per Bed inspected |
| (8) Residential: | |
| (a) Hotel and Motel | \$120.00 per Building + \$2.50 per Guest Room inspected |
| (b) Dormitory | \$120.00 per Building + \$2.50 per Bed inspected |
| (c) Apartment Buildings i. Charged for the time of personnel of the <u>Office of the Fire Marshal in conducting periodic fire and life safety inspections. (Fee calculation per hour or portion thereof, shall include time for travel, report writing, re-inspection, research and witnessing tests).</u> ii. <u>Fee payment shall be made within 30 days of issuance of an invoice.</u> | [\$120.00 per Building + \$2.50 per Apartment inspected] \$125.00 per hour |
| (d) Lodging or Rooming House | \$120.00 + \$2.50 per Bed inspected |
| (e) 1 and 2 Family Dwellings | \$75.00 |
| (f) Foster Care Homes | \$75.00 |
| (g) Alternative Living Units | \$75.00 |
| (h) Board and Care Home [Per Building] | \$120.00 per Building + \$2.50 per Bed inspected |
| (9) Mercantile: | |
| (a) Class A - Over 30,000 Sq. Ft. | \$300.00 |
| (b) Class B - 3,000 to 30,000 Sq. Ft. | \$150.00 |
| (c) Class C - Less than 3,000 Sq. Ft. | \$100.00 |

| OCCUPANCY | FEE |
|--|-------------------------------------|
| (10) Businesses per 3,000 Sq. Ft. or portion thereof Industrial or Storage | \$120.00 |
| (a) Low or Ordinary Hazard Per 5,000 Sq. Ft. or portion thereof | \$120.00 |
| (b) High Hazard Per 5,000 Sq. Ft. or portion thereof | \$200.00 |
| (11) Manufactured Home Sites and Communities Per Facility | \$120.00 + \$2.50 per Site |
| (12) Campgrounds: | |
| (a) Vehicular Campgrounds Per Facility (campsite) | \$120.00 + \$2.50 per Site |
| (b) Campgrounds With sleeping accommodations per facility | \$180.00 + \$2.50 per Bed inspected |
| (c) Campgrounds Without sleeping accommodations per facility | \$120.00 |
| (13) Outside Storage of Combustible Materials Per Acre of scrap tire, lumber, mulch, tree stumps, etc. | \$60.00 |
| (14) Outside Storage of Flammable or Combustible Liquids or Gases, Drums and/or Tanks Per 5,000 Sq. Ft. or portion thereof | \$120.00 |
| (15) Marinas and Piers: | |
| (a) Marina, Pier, Bulkhead or portion thereof used for boat services | \$120.00 + \$1.50 per slip |
| (16) Fireworks Shoot: | |
| (a) Site Inspection and subsequent permit sign-off | \$50.00 per Site |
| (b) On-Site Inspector, per event (\$50.00/hour, four-hour minimum) | \$200.00 |
| (17) Re-Inspection Fee: Applies if more than one re-inspection outlined above, with the exception of apartment buildings, is required to correct any previously identified fire code violation. | \$150.00 |
| (18) Technical Assistance Fee: (a) Charged for the expertise of any member of the Office of the Fire Marshal or Staff. (Fee calculation per hour or portion thereof, shall include travel, report writing, research, and witnessing tests). (b) Fee payment shall be required by certified check, money order or prior arrangement, and shall be collected immediately upon the completion of the inspection regardless of the results. | \$75.00 per hour |

1 * * * * *

2 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 3 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 4 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 5 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 6 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this

1 Act, since the same would have been enacted without the incorporation in this Act of any such
2 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
3 or section.

4 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
5 calendar days after its adoption.

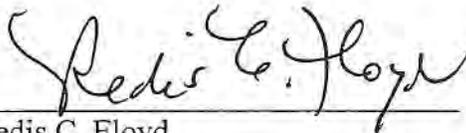
Adopted this 9th day of September, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND



BY: _____
Mel Franklin
Chairman

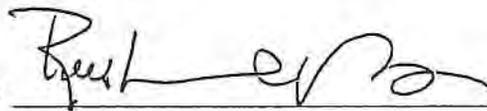
ATTEST:



Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: 9-22-2015

BY:  _____
Rushern L. Baker, III
County Executive

Prince George's County Council Agenda Item Summary

Meeting Date: 9/9/2015
Reference No.: CB-046-2015
Draft No.: 1
Proposer(s): County Executive
Sponsor(s): Franklin, Toles, Lehman, Harrison, Davis, Taveras
Item Title: An Act for the purpose of amending the Prince George's County Fire Safety Code to adopt the standards of the National Fire Protection Association regarding increasing administrative fees for apartment buildings related to fire safety

Drafter: Mary Blocker, Fire/EMS Department
Resource Personnel: Benjamin Barksdale, Fire/EMS Department

LEGISLATIVE HISTORY:

| | | | |
|----------------------------|-----------------|--------------------------|-------------|
| Date Presented: | 7/7/2015 | Executive Action: | 9/22/2015 S |
| Committee Referral: | 7/7/2015 - PSFM | Effective Date: | 11/9/2015 |

Committee Action: 7/16/2015 - FAV

Date Introduced: 7/21/2015
Public Hearing: 9/9/2015 - 1:30 AM

Council Action (1) 9/9/2015 - ENACTED
Council Votes: DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:A, DT:A, KT:A, TT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

11-163

COMMITTEE REPORTS:

Public Safety and Fiscal Management

Date 7/16/2015

REPORT: Committee Vote: Favorable, 5-0 (In favor: Council Members Patterson, Harrison, Lehman, Taveras, and Turner)

CB-46-2015 seeks to amend the Prince George's County Fire Safety Code by changing the method for calculations of fire inspection fees for apartment buildings. The fee will change from \$120.00 per building and \$2.50 per apartment inspected, to an hourly rate of \$125.00. The fee only applies to Office of the Fire Marshall personnel who conduct fire inspections and will cover travel, report writing, research and witnessing tests.

The Office of Audits and Investigations finds that the enactment of CB-46-2015 should not have an adverse fiscal impact on the County. FIRE/EMS personnel estimate that the fees collected will cover the cost of personnel conducting the inspections as well as any needed tools, supplies and equipment.

The Office of Law has reviewed this legislation and finds it to be in proper legislative form with no legal

impediments to its enactment.

The Apartment and Building Association (AOBA) supports the proposed bill and further pointed out that Fire inspections are also charged on an hourly basis in our surrounding jurisdictions.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This legislation will increase the administrative fees for apartment buildings. The legislation amends the Prince George's County Fire Safety Code to change the method for calculating fire inspection fees from \$120.00 per building and \$2.50 per apartment inspected, to an hourly charge of \$125.00. The hourly fee charges would apply to personnel from the Office of the Fire Marshal conducting inspections. The fees would not apply to local fire station personnel that may attend inspections. The assessed fees would include travel, report writing, re-inspection, research and witnessing tests. Additionally, the assessed fees must be paid within thirty (30) days of the issuance of the invoice.

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-16-2015

Chapter No. 36

Proposed and Presented by Council Members Glaros, Lehman and Toles

Introduced by Council Members Glaros, Lehman, Toles and Davis

Co-Sponsors _____

Date of Introduction July 21, 2015

BILL

1 AN ACT concerning

2 Food Service Facilities – Mobile Units – Food Truck Hubs

3 For the purpose of providing certain limited exemptions to County licensing and health
 4 requirements for Food Truck Hubs, in order to encourage economic development, increase
 5 public access to healthy food options, minimize or eliminate food deserts in underserved areas of
 6 the County, and promote innovative entrepreneurship and revitalization in furtherance of the
 7 public safety, health, and welfare of the citizens and residents of Prince George’s County

8 BY adding:

9 SUBTITLE 5. BUSINESSES AND LICENSES.

10 Sections 5-189.01, 5-189.02, 5-189.03, 5-189.04 and 5-189.05

11 The Prince George's County Code

12 (2011 Edition, 2014 Supplement).

13 BY repealing and reenacting with amendments:

14 SUBTITLE 5. BUSINESSES AND LICENSES.

15 Sections 5-190 and 5-193.01

16 The Prince George's County Code

17 (2011 Edition, 2014 Supplement).

18 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 19 Maryland, that Sections 5-189.01, 5-189.02, 5-189.03, 5-189.04 and 5-189.05 of the Prince
 20 George's County Code be and the same are hereby added:

21 SUBTITLE 5. BUSINESSES AND LICENSES.

DIVISION 11. MOBILE UNITS-FOOD TRUCK HUBS.**Sec. 5-189.01. Definitions.**

(a) **Food Truck Hub** means an outdoor area (unenclosed space) with an approved application certified by the Department of Permitting, Inspections, and Enforcement as provided in Section 5-189.03 in which two or more mobile units as defined by Section 12-104(a)(12) may cluster in order to primarily sell freshly prepared foods or fresh fruits and vegetables. Mobile Units primarily selling pre-packaged foods are prohibited from a Food Truck Hub. A Food Truck Hub shall only be located on the open area or parking lot or public rights-of-way of the following: parks and recreational facilities under the operation and control of the Maryland-National Capital Park and Planning Commission, or areas within a one-quarter mile radius of the station entrance of any Metro and MARC stations. Food Truck Hubs not located in these areas may be granted special authorization by resolution of the Council, upon notice and public hearing. Mobile units may not park overnight at a Food Truck Hub.

(b) **Coordinator** means the applicant for the Food Truck Hub License which may be a non-profit, governmental, or a private entity.

Sec. 5-189.02. Duration of license; renewal.

(a) The Food Truck Hub License shall be issued on an annual basis with receipt of a completed application and payment of the license application fee of \$500 if operating 60 days or less per year or \$3500 if operating more than 60 days per year. The license may be renewed, pending receipt of a new completed application, license fee, and verification that no outstanding violations are on file for the Food Truck Hub.

Sec. 5-189.03. License Application.

(a) The license application for a Food Truck Hub shall be made by a coordinator and shall include:

(1) A suitable site layout showing all existing improvements on the property, restroom facilities for participating vendors either on location or within the immediate area, off-street parking areas and driveways (including traffic control patterns), and the specific area (dimensioned) of the property to be occupied by the Food Truck Hub or if located within a parking lot, the Food Truck Hub application shall include a letter from the property owner stating that parking is available for Food Truck Hub patrons.

1 (2) A letter of support from the municipality for the Food Truck Hub, if the property
 2 to be occupied by the Food Truck Hub is located within the corporate boundaries of a
 3 municipality, or if not in a municipality, a letter of support from the Prince George's County
 4 Economic Development Corporation.

5 (3) Permission of the property owner where the Food Truck Hub will be located with
 6 a copy of the existing site plan. If the Food Truck Hub is located on the public right-of-way, a
 7 letter of permission is also required from the municipality, the County, or the State that is the
 8 record property owner of the right-of-way.

9 (4) Schedule of specific operational days and hours to begin no earlier than 6:00 a.m.
 10 and end no later than 9:00 p.m.

11 (5) The number of mobile units on a given day.

12 **Section 5-189-04. Duties and Responsibilities of a Coordinator.**

13 (a) A Coordinator shall:

14 (1) Compile and provide to the Department of Permitting, Inspections and Enforcement
 15 for enforcement purposes per Subtitle a comprehensive list of licensed vendors that comprise a
 16 specific Food Truck Hub to include each participating vendor's Tax Identification Number,
 17 County license, Health Department certification and demonstrated proof that a participating
 18 vendor has no outstanding notice of violations.

19 (2) Report a change in vendor participation to the Department of Permitting, Inspections
 20 and Enforcement through written communication within 24 hours before or after of such change,
 21 and include each new participating vendor's Tax Identification Number, County license, Health
 22 Department certification and demonstrated proof that said vendor has no outstanding violations.

23 (3) Report an unlicensed vendor to the Department of Permitting, Inspections and
 24 Enforcement for appropriate enforcement action per Subtitle.

25 (4) Ensure that only vendors included on the Food Truck Hub participating Vendors' List
 26 submitted to the Department of Permitting, Inspections and Enforcement are on-site selling
 27 products.

28 (5) Ensure that the Food Truck Hub remains free of trash by providing adequate trash
 29 receptacles, including recycling receptacles, and that said receptacles are emptied on a daily
 30 basis to prevent trash build-up, rodent infestation and other health-related concerns.

(6) Ensure that Food Truck Hub signage at the site shall be minimal and limited to one sign no larger than 4x6 feet. No signage advertising the food truck hub shall be permitted beyond a sign at the site.

Sec. 5-189.05. Violation and Revocation.

(a) The Department of Permitting, Inspections, and Enforcement may immediately revoke the permit if the Food Truck Hub constitutes a nuisance because of noise, traffic, physical activity, public safety, or for other good cause.

(b) Should the Coordinator fail to ensure the daily disposal of trash and further fail to prevent trash from being strewn throughout the immediate area of the Food Truck Hub, the Coordinator, as the Food Truck hub representative, shall be subject to a citation that carries with it a fine of \$500 for the first offense, and a fine of \$1,000 for each subsequent citation as per Subtitle 13, Section 246.

(c) The Department of Permitting, inspections and Enforcement has the authority to revoke the license of a Food Truck Hub vendor if the vendor constitutes a nuisance because of noise, traffic, physical activity, public safety or for other good cause per Subtitle 13, Section 246.

SECTION 2. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 5-190 and 5-193.01 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 5. BUSINESSES AND LICENSES.

DIVISION 12. PEDDLERS AND ITINERANT VENDORS.

Sec. 5-190. License required; payment; contents; term; and basis for refusal of license; applicability.

* * * * *

(i) Applicability. This Section shall not apply to mobile units that are authorized as participants of a designated Food Truck Hub as defined by Section 5-189.01 of this Code.

SUBTITLE 5. BUSINESSES AND LICENSES.

DIVISION 12. PEDDLERS AND ITINERANT VENDORS.

Sec. 5-193.01. Prohibited sales, solicitations and distributions in roadway(s) and certain other portions of the right-of-way.

* * * * *

1 (b) Notwithstanding any other provision of this Division, it shall be unlawful for any
2 hawker, peddler, roadside vendor, huckster, itinerant vendor, or any other person to sell, attempt
3 to sell, or display for sale any goods, wares, merchandise, or other items of any description while
4 upon the right-of-way, or from a vehicle upon the right-of-way except for the following:

5 * * * * *

6 (11) Mobile units that are authorized as participants of a designated Food Truck Hub
7 as defined by Section 5-189.01.

8 * * * * *

9 SECTION 3. BE IT FURTHER ENACTED that this Act will limit the number of Food
10 Truck Hub licenses to twelve (12) for the first year of implementation, which can be revisited
11 after one-year of operation to determine if additional Food Truck Hub venues need to be added
12 within the County per recommendation of the Food Truck Hub Oversight Committee to the
13 County Council. Three of the licenses are reserved for locations near metro stations at Naylor
14 Road, Suitland, and New Carrollton to ensure that food truck hubs occur throughout the County.
15 Licenses shall not be allocated within one quarter mile of the entrance of metro stations at Largo
16 Town Center, Prince George’s Plaza, Branch Avenue, and West Hyattsville.

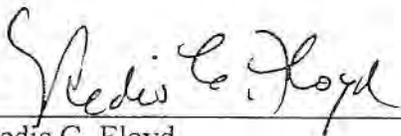
17 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
18 calendar days after it becomes law.

Adopted this 6th day of October, 2015.

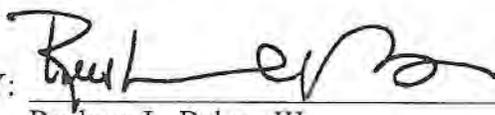
COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: 
Mel Franklin
Chairman

ATTEST:


Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: 10-15-2015 BY: 
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

Prince George's County Council Agenda Item Summary

Meeting Date: 10/6/2015
Reference No.: CB-016-2015
Draft No.: 3
Proposer(s): Glaros, Lehman, Toles
Sponsor(s): Glaros, Lehman, Toles, Davis
Item Title: An Act providing certain limited exemptions to County licensing and health requirements for Food Truck Hubs, in order to encourage economic development, increase public access to healthy food options, minimize or eliminate food deserts in underserved areas of the County, and promote innovative entrepreneurship and revitalization in furtherance of the public safety, health, and welfare of the citizens and residents of Prince George's County.

Drafter: Leroy D. Maddox, Jr., Legislative Officer
Resource Personnel: Aimee Olivo, Legislative Aide District 3
Bridget Warren, Legislative Aide District 1
Dwayne M. Mingo, Legislative Aide District 7

LEGISLATIVE HISTORY:

| | | | |
|----------------------------|--|--------------------------|--------------|
| Date Presented: | 4/21/2015 | Executive Action: | 10/15/2015 S |
| Committee Referral: | 4/21/2015 - HEHS | Effective Date: | 11/30/2015 |
| Committee Action: | 6/11/2015 - HELD 7/20/2015 - FAV(A) | | |
| Date Introduced: | 7/21/2015 | | |
| Public Hearing: | 10/6/2015 - 1:30 PM | | |
| Council Action (1) | 10/6/2015 - ENACTED | | |
| Council Votes: | DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:A, DT:N, KT:A, TT:A | | |
| Pass/Fail: | P | | |
| Remarks: | | | |

AFFECTED CODE SECTIONS:

05-189.01, 05-189.02, 05-189.03, 05-189.04, 05-190, 05-193.01

COMMITTEE REPORTS:

HEALTH, EDUCATION & HUMAN SERVICES

Date 7/20/2015

Committee Vote: Favorable with amendments, 4-1 (In favor: Council Members Toles, Davis, Glaros and Franklin. Opposed: Council Member Patterson)

The bill sponsor gave an overview of amendments made at the June 11, 2015 worksession. After agency input and public testimony, additional amendments were made; Section 5-189.03 to specify "license" application, to require the Food Truck Hub application to include two new items: a letter from the property owner stating that parking is available for Food Truck Hub patrons and the number of mobile units on a given day. Amendments were made to page 4, line 1 by adding "Ensure that" before "Food Truck Hub signage..." and page 4, line 7 by inserting "public safety," after "physical activity,". Amendments were made to page 5, line 12 by inserting "per recommendation of the Food Truck Hub Oversight Committee to the County Council." after "County". Amendments were made to page 5, line 15 by inserting "Licenses shall not be allocated within one quarter mile of the entrance of metro stations at Largo Town Center, Prince George's Plaza, and West Hyattsville."

After the proposed amendments Council Members Taveras and Davis requested to be added as Co-Sponsors.

Health, Education and Human Services

Date 6/11/2015

This legislation was held in Committee on June 11, 2015 to allow time for the sponsors to receive and review additional recommendations.

Staff provided a summary of the resolution and written referral comments that were received. CB-16-2015 adds sections 5—189.01 through 5-289.04 and amends Section 5-190 and 5-193.01 of the County Code. CB-16 provides for certain limited exemptions to County licensing and health requirements for Food Truck Hubs. It further defines Food Truck Hubs, Coordinator, defines the license period and provides for an application process and license revocation.

The Bill sponsor informed the committee that these bills together will permit the County, with municipal support, to establish appropriate locations where food trucks are permitted to operate, and establishes licensing and health requirements for the operation of food trucks.

A Council Member raised the question of signs and hours of operations of the Food Truck hubs. The trucks will not be allowed to stay overnight or in neighborhoods and the hours of operation are 6am to 9pm. One major portable size sign will be allowed.

The question was raised as to how many hubs will be allowed. Twelve (12) hubs will be allowed the first year. Prior to the committee process, impacted agencies and citizens worked cooperatively together with the Bill sponsors to promote policies that will allow the food-truck industry to flourish while also protecting public health and safety. Representatives from the Office of the County Executive, Health Department and Department of Permitting, Inspections and Enforcement (DPIE), provided testimony in support of the Bill and answered questions from the Committee. The County Executive representative expressed the need to have enough revenue to cover the administration of the program, business license for the vendor, a fee structure for purposes of quality control. The one (1) remaining condition was creation of legislation to provide a regulatory framework for the licensing of a Special Food Service Facility – Mobile Unit. The County Executive representative expressed concern with preventing illegal activity with truck vendors as in the past.

Public testimony was considered to include citizens, municipalities, associations, and vendors. The DIPI representative addressed the concerns of citizens pertaining to increased criminal activity during the weekend. The representative stated that the Health Department and DPIE do not inspect on the weekends.

Some of the comments in opposition to the Food Truck hubs dealt with criminal activity, trash and debris, conflicts with the recommendations of the Largo Town Center Sector Plan and competition with stand-alone restaurants.

Some of the comments in support of the Food Truck hubs were that it would bring healthier food options to the underserved areas, economic growth and entrepreneurship.

The Fire Department would enforce regulations pertaining to propane tanks and portable grills.

The office of Audits and Investigation determined that CB-16-2015 should not have an adverse fiscal impact on the County if enacted.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This legislation would encourage economic development, increase public access to healthy food options, minimize or eliminate food deserts in underserved areas of the County, and promote innovative entrepreneurship and revitalization in furtherance of the public safety, health, and welfare of the citizens and residents of Prince George's County.

10/6/2015: After the public hearing on CB-16-2015 (DR-2) was amended as follows:

1. On page 5, line 13, replace the word "Four" with "Three".
2. On page 5, line 14, delete "Branch Avenue".
3. On page 5, line 16, after "Prince George's Plaza", insert "Branch Avenue".

CB-16-2015 (DR-3) was enacted.

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2015 Legislative Session

Bill No. CB-17-2015

Chapter No. 37

Proposed and Presented by Council Members Glaros, Lehman and Toles

Introduced by Council Members Glaros, Lehman and Toles

Co-Sponsors

Date of Introduction July 21, 2015

BILL

1 AN ACT concerning

2 Food Service Facilities-Mobile Units-Food Truck Hubs

3 For the purpose of clarifying fixed locations for food service facilities for temporary periods and
4 providing certain limited exemptions to County licensing and health requirements for Food
5 Truck Hubs in order to encourage economic development, increase public access to healthy food
6 options, minimize or eliminate food deserts in underserved areas of the County, and promote
7 innovative entrepreneurship and revitalization in furtherance of the public safety, health, and
8 welfare of the citizens and residents of Prince George's County

9 BY repealing and reenacting with amendments:

10 SUBTITLE 12. HEALTH.

11 Sections 12-104 and 12-115

12 The Prince George's County Code

13 (2011 Edition, 2014 Supplement).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
15 Maryland, that Sections 12-104 and 12-115 of the Prince George's County Code be and the same
16 is hereby repealed and reenacted with the following amendments:

17 SUBTITLE 12. HEALTH.

18 DIVISION 2. FOOD SERVICE FACILITIES.

19 SUBDIVISION 2. COUNTY ADDITIONS, INSERTIONS, AND CHANGES TO THE
20 STATE REGULATIONS.

1 **Sec. 12-104. Definitions.**

2 (a) In addition to the definition of terms contained in the State regulations adopted by
3 reference in this Division, the following definitions and terminology shall apply and are
4 applicable to such provisions adopted by reference:

5 * * * * *

6 (13) **Operating from a fixed location for a temporary period** shall mean operating a
7 food service facility for not more than five (5) days at a fixed location for an event such as a
8 carnival, circus, fair, or similar temporary event. The five (5) day period of time is subject to
9 variance at the discretion of the Health Officer. However, operating a food service facility or a
10 special food service facility intermittently at one (1) location and operating mobile units as a
11 food service facility or special food service facility relocating at different sites shall not be
12 construed as operating for a temporary period.

13 **SUBTITLE 12. HEALTH.**

14 **DIVISION 2. FOOD SERVICE FACILITIES.**

15 **SUBDIVISION 3. PERMITS AND INSPECTIONS.**

16 **Sec. 12-115. Special Food Service Facilities - Mobile Units.**

17 (a) The following provisions shall apply to Class I, III, and IV special food service
18 facilities:

19 * * * * *

20 (2) Food handling; storage; source.

21 * * * * *

22 (E) Public vending of food from manually propelled mobile units is prohibited
23 on public rights of way in Prince George's County and on private property except for mobile
24 units that are authorized as participants of a designated Food Truck Hub as defined by Section 5-
25 189.01 or as permitted at a stadium, amusement park, in conjunction with a carnival, festival, fair
26 or similar event which has been issued a Temporary Use Permit (UTZ) from the Department of
27 Permitting, Inspections, and Enforcement. This section shall not apply to a permittee or licensee
28 operating within a mixed use venue whose core uses include the merchandising of retail, food,
29 beverages and entertainment provided the permittee or licensee has the permission of the property
30 management association.

31

1 SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect on forty-five (45)
2 calendar days after it becomes law.

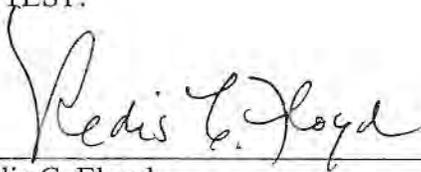
Adopted this 6th day of October, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND



BY: _____
Mel Franklin
Chairman

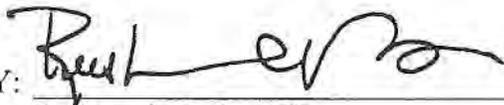
ATTEST:



Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: 10-15-2015

BY:  _____
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

Prince George's County Council Agenda Item Summary

Meeting Date: 10/6/2015
Reference No.: CB-017-2015
Draft No.: 2
Proposer(s): Glaros, Lehman, Toles
Sponsor(s): Glaros, Lehman, Toles
Item Title: An Act clarifying fixed locations for food service facilities for temporary periods and providing certain limited exemptions to County licensing and health requirements for Food Truck Hubs in order to encourage economic development, increase public access to healthy food options, minimize or eliminate food deserts in underserved areas of the County, and promote innovative entrepreneurship and revitalization in furtherance of the public safety, health, and welfare of the citizens and residents of Prince George's County

Drafter: Leroy D. Maddox, Jr., Legislative Officer
Resource Personnel: Aimee Olivo, Legislative Aide District 3
Bridget Warren, Legislative Aide
Dwayne M. Mingo, Legislative Aide District 7

LEGISLATIVE HISTORY:

| | | | |
|----------------------------|--|--------------------------|--------------|
| Date Presented: | 4/21/2015 | Executive Action: | 10/15/2015 S |
| Committee Referral: | 4/21/2015 - HEHS | Effective Date: | 11/30/2015 |
| Committee Action: | 6/11/2015 - HELD 7/20/2015 - FAV(A) | | |
| Date Introduced: | 7/21/2015 | | |
| Public Hearing: | 10/6/2015 - 1:30 PM | | |
| Council Action (1) | 10/6/2015 - ENACTED | | |
| Council Votes: | DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:A, DT:N, KT:A, TT:A | | |
| Pass/Fail: | P | | |
| Remarks: | | | |

AFFECTED CODE SECTIONS:

12-104, 12-115

COMMITTEE REPORTS:

HEALTH, EDUCATION & HUMAN SERVICES

Date 7/20/2015

Committee Vote: Favorable with amendments, 4-1 (In favor: Council Members Toles, Davis, Glaros and Franklin. Opposed: Council Member Patterson)

CB-17-2015 Proposed Draft 2 was voted out of committee without further amendments.

Health, Education and Human Services Committee

Date 6/11/2015

This legislation was held in Committee on June 11, 2015 to allow time for the sponsor to receive and review additional recommendations.

Staff provided a summary of the Bill and written referral comments that were received. CB-17-2015 amends the County Code to clarify fixed locations for food service facilities for temporary periods; allowing mobile units to operate in a "food truck hub" for more than five (5) days, and to allow for the vending of food from manually propelled mobile units as defined by Section 5-189.01 currently being considered within CB-16-2015.

Health Department provided written comments indicating that CB-17 will impact the department financially and will reduce the number of inspections conducted at facilities without additional staff being hired and fully funded for the program. The estimated fiscal impact is \$171,000. This estimate also includes considerations in CB-16-2015. Additional staffs are required-2 environmental health specialist, vehicle use, computer, cell phones, and office space.

The Office of Audits and Investigations determined that enactment of CB-17-2015 may have an adverse fiscal impact on the County in the amount of \$171,000.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

Food Truck Hubs will encourage economic development, increase public access to healthy food options, minimize or eliminate food deserts in underserved areas of the County, and promote innovative entrepreneurship and revitalization in furtherance of the public safety, health, and welfare of the citizens and residents of Prince George's County.

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-51-2015
Chapter No. 38
Proposed and Presented by Council Members Glaros, Lehman, and Toles
Introduced by Council Members Glaros, Lehman, Toles, Davis and Taveras
Co-Sponsors _____
Date of Introduction July 21, 2015

BILL

1 AN ACT concerning
2 Special Food Service Facilities - Mobile Units License
3 For the purpose of establishing a business license for Special Food Service Facilities – Mobile
4 Units

5 BY repealing and reenacting with amendments:

6 SUBTITLE 2. ADMINISTRATION.
7 Section 2-117
8 The Prince George's County Code
9 (2011 Edition; 2014 Supplement).

10 BY repealing and reenacting with amendments:

11 SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.
12 Section 13-246
13 The Prince George's County Code
14 (2011 Edition; 2014 Supplement).

15 BY adding:

16 SUBTITLE 5. BUSINESSES AND LICENSES.
17 Sections 5-2801, 5-2802, 5-2803, 5-2804, 5-2805, 5-
18 2806, 5-2807, 5-2808, 5-2809 and 5-2810
19 The Prince George's County Code
20 (2011 Edition; 2014 Supplement).

21 BY repealing and reenacting with amendments:

SUBTITLE 26. VEHICLES AND TRAFFIC.

Section 26-163.02

The Prince George's County Code

(2011 Edition; 2014 Supplement).

BY adding:

SUBTITLE 28. CIVIL MONETARY FINES OR PENALTIES.

Section 28-266

The Prince George's County Code

(2011 Edition; 2014 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 2-117 of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 2. ADMINISTRATION.

DIVISION 4. BOARD OF APPEALS.

Sec. 2-117. Board of Administrative Appeals.

* * * * *
(b) County law which specifically grants the Board authority to hear appeals includes (but need not be limited to) the following:

SUBTITLE 3. ANIMALS.

Division 2. Licenses and Standards (Animal Holding Facility Licenses).

SUBTITLE 4. BUILDING.

Division 1. Building Code.

Division 2. Construction or Changes in Floodplain Area.

Division 3. Grading, Drainage and Erosion Control.

Division 4. Stormwater Management.

SUBTITLE 5. BUSINESSES AND LICENSES.

Division 2. Benefit Performances.

Division 5. Fortunetelling and Other Similar Practices.

Division 9A. Massage Establishments.

Division 12. Peddlers and Itinerant Vendors.

Division 14. Public Dances. (Dance Halls)

Division 15. Door-To-Door Solicitors.

1 Division 19. Secondhand Dealers.

2 Division 21. Towing Regulations.

3 Division 23. Model Studios.

4 Division 28. Special Food Service Facilities – Mobile Units.

5 * * * * *

6 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
7 Maryland, that Sections 5-2801, 5-2802, 5-2803, 5-2804, 5-2805, 5-2806, 5-2807, 5-2808, 5-
8 2809 and 5-2810 of the Prince George's County Code be and the same are hereby added:

9 **SUBTITLE 5. BUSINESSES AND LICENSES.**

10 **DIVISION 28. SPECIAL FOOD SERVICE FACILITIES - MOBILE UNITS.**

11 **Sec. 5-2801. Legislative Purpose and Intent.**

12 (a) The purpose and intent of this legislation is to provide a regulatory framework for the
13 licensing of a Special Food Service Facility – Mobile Unit that operates at Food Truck Hubs as
14 defined under to Section 5-189.01(a) or Section 12-115. Each licensee, as a condition of
15 receiving a license, shall only sell their food within their designated Food Truck Hub as defined
16 by Section 5-189.01 or at a special event, fair, or festival. The provisions of this law are in
17 response to the need to encourage economic development, increase public access to healthy food
18 options, minimize or eliminate food deserts in underserved areas of the County, and promote
19 innovative entrepreneurship and revitalization in furtherance of the public safety, health and
20 welfare of the citizens and residents of Prince George’s County.

21 **Sec. 5-2802. Definitions.**

22 (a) **Special Food Service Facility – Mobile Unit** means “A licensed, motorized vehicle or
23 mobile food unit which temporarily operates at a food truck hub or one-time event under 12-115
24 (e) where food items are sold to the general public, thereby regulated by the Code of Maryland
25 Regulations (COMAR 10.15.03) as they may be amended from time to time and adopted by
26 reference in Section 12-102 as the County regulations governing food service facilities”.

27 **Sec. 5-2803. License required; fee.**

28 (a) No person shall operate a special food service facility – mobile unit without first
29 having obtained a special food service facility – mobile unit license from the Department of
30 Permitting, Inspections, and Enforcement.

31 (b) Each special food service facility – mobile unit license shall be prominently displayed
32 in a conspicuous area of the special food service facility – mobile unit.

1 (c) Each special food service facility – mobile unit license shall expire one year from the
2 date of issuance unless renewed.

3 (d) The fee for each special food service facility – mobile unit license is Three Hundred
4 Dollars (\$300.00).

5 (e) The Department of Permitting, Inspections, and Enforcement shall make available a
6 thirty (30) day special food service facility – mobile unit license at a fee of \$100 for an applicant
7 who will only operate at a temporary special event, fair, or festival for a limited time.

8 **Sec. 5-2804. License application.**

9 (a) All applicants for a special food service facility – mobile unit license shall file an
10 application for such license on forms provided by the Department of Permitting, Inspections, and
11 Enforcement. All principal owners shall be named in the application form.

12 (b) The completed application shall contain, but is not limited to, the following
13 information and shall be accompanied by the following documents:

14 (1) If the applicant is:

15 (A) An individual, the individual shall state his or her legal name and any
16 aliases, shall submit their mailing address and residential address, telephone number;

17 (B) A partnership, the partnership shall state its complete name, the
18 names of all partners, the mailing address and residential address of all partners, whether the
19 partnership is general or limited, and a copy of the partnership agreement, if any;

20 (C) A corporation, the corporation shall state its complete name, its
21 mailing address and residential address, information regarding the resident agent, the date of its
22 incorporation, evidence that the corporation is in good standing under the statutes of the State, or
23 in the case of a foreign corporation, evidence that it is currently authorized to do business in the
24 State, the names and capacity of all officers, directors and principal owners, and the name of the
25 registered corporate agent and the address of the registered office for service of process;

26 (D) A limited liability company shall state its complete name, its mailing
27 address and residential address, the names of all managers and members.

28 (2) All applicants shall provide a copy of their Federal Employer Identification
29 Number and evidence of Combined Central Registration with the Maryland Comptroller's
30 Office. At the time of special food service facility – mobile unit license renewal, applicants shall
31 submit proof that all applicable operating taxes have been paid for the prior tax year.

1 (3) Whether the applicant or any individual listed under subsection (a) of this Section
2 has worked under, or currently works under, a special food service facility – mobile unit license
3 under any ordinance from this State, another state, municipality or county which has been
4 denied, suspended or revoked, including the name and location of the business for which the
5 special food service facility – mobile unit license was denied, suspended or revoked, as well as
6 the date of the denial, suspension or revocation.

7 (4) The location of the food truck hub(s) where the special food service facility –
8 mobile unit license holder intends to operate including the street address and telephone
9 number(s), if known.

10 (5) A description of the type of food offered for sale.

11 (6) Description of the vehicle, including a color photograph of the vehicle.

12 (7) A copy of the vehicle registration.

13 (8) A photocopy of the driver’s license or other government issued identification card
14 for the individuals listed in subsection (a) of this Section.

15 (9) The applicant shall provide any and all additional information requested by the
16 Department of Permitting, Inspections, and Enforcement.

17 (c) If the applicant is an individual, he/she must sign the application for a special food
18 service facility – mobile unit license. If the applicant is a corporation it must be signed by the
19 president or vice president and attested to by the secretary or assistant secretary. If the applicant
20 is a general or limited partnership it must be signed by a general partner. If the applicant is a
21 limited liability company it must be signed by the manager.

22 (d) If an omission or error is discovered by the Department of Permitting, Inspections, and
23 Enforcement, the application will be returned to the applicant for completion or correction
24 without further action by the Departmental of Permitting, Inspections, and Enforcement. Any
25 application rejected due to an omission or error shall be accepted only when the omission or
26 error has been remedied. For purposes of this Division, the date that the Department of
27 Permitting, Inspections, and Enforcement accepts an application which is complete shall be the
28 date the application is accepted by the Department of Permitting, Inspections, and Enforcement.

29 (e) In the event that the Department of Permitting, Inspections, and Enforcement
30 determines that an applicant has improperly completed the application, it shall promptly notify
31 the applicant and allow the applicant thirty (30) days to properly complete the application. The

1 time period for granting or denying a special food service facility – mobile unit license shall be
 2 stayed during the period in which the applicant is allowed an opportunity to properly complete
 3 the application.

4 (f) Applicants for a special food service facility – mobile unit license under this Division
 5 and license holders shall have a continuing duty to promptly supplement application information
 6 required by this Section in the event that said information changes in any way from what is
 7 stated on the application. The failure to comply with said continuing duty within thirty (30) days
 8 from the date of such change, by supplementing the application of file with the Department of
 9 Permitting, Inspections, and Enforcement, shall be grounds for the suspension or revocation of a
 10 special food service facility – mobile unit license.

11 **Sec. 5-2805. Standard Dimensions.**

12 (a) Maximum dimensions of a special food service facility – mobile unit shall be 25 feet
 13 long, 11 feet tall, and 8 feet wide in a food truck hub.

14 (b) Department of Permitting, Inspections, and Enforcement and Health Department may
 15 further regulate food truck appearance and quality through regulations.

16 **Sec. 5-2806. Insurance Requirement.**

17 (a) Each licensee shall file with Department of Permitting, Inspections, and Enforcement a
 18 copy of his/her insurance policy covering the special food service facility – mobile unit.

19 (b) Department of Permitting, Inspections, and Enforcement may specify through
 20 regulations what policies and levels of coverage are necessary.

21 **Sec. 5-2807. Safety and Sanitation**

22 (a) The Fire Department shall be responsible for:

23 (1) Reviewing and issuing a proof of review for the use of open flame and propane
 24 gas in mobile vending operations and special food services facilities – mobile units as defined by
 25 Section 5-2802 of the County Code, excluding ice cream trucks and those selling prepackaged
 26 food;

27 (2) Conducting fire-safety related inspections of mobile vending businesses and
 28 special food services facilities – mobile units as defined by Section 5-2802 of the County Code;

29 (3) Enforcing County laws and regulations pertaining to any operational permits
 30 required under Subtitle 11 of the County Code.

31 (b) All mobile vendors and special food services facilities – mobile units as defined by

1 Section 5-2802 of the County Code are required to have a Certified Food Manager
 2 Certificate pursuant to Section 12-114. The certificate holder shall be present at all
 3 times of operation. Vendors at mobile farmer’s markets selling unprepared foods such
 4 as whole and uncut fruits and vegetables are not covered by this section.

5 (c) All mobile vendors and special food services facilities – mobile units as defined by
 6 Section 5-2802 of the County Code are required to pass an inspection by the Health
 7 Department pursuant to Section 12-112.

8 **Sec. 5-2808. Approval/Denial of License.**

9 (a) The special food service facility – mobile unit license application of any applicant shall
 10 be approved or denied by the Department of Permitting, Inspections, and Enforcement within
 11 thirty (30) business days of the date the application is filed with the Department of Permitting,
 12 Inspections, and Enforcement. The Department of Permitting, Inspections, and Enforcement
 13 shall deny a special food service facility – mobile unit license if:

14 (1) The applicant has made a false statement upon the application or has given false
 15 information in connection with an application; or

16 (2) The applicant has not provided all documentation certification required by the
 17 Department of Permitting, Inspections, and Enforcement.

18 (3) The applicant or a director, officer, partner or principal of the applicant has had a
 19 special food service facility – mobile unit license revoked or suspended anywhere within the
 20 state within one year prior of the application, convicted for vending without a special food
 21 service facility – mobile unit license, or convicted for a criminal offense committed while
 22 vending with a special food service facility – mobile unit license; or

23 (4) A corporate applicant is not in good standing or authorized to do business in the
 24 State; or

25 (5) The applicant is overdue in the payment of County taxes, fees, fines or penalties
 26 assessed against him/her or imposed against him/her in relation to a special food service facility
 27 – mobile unit.

28 (b) In the event that the Department of Permitting, Inspections, and Enforcement
 29 denies a special food service facility – mobile unit license application, the Department of
 30 Permitting, Inspections, and Enforcement shall, in writing, state the reasons for the denial, and a
 31 copy of such decision shall be sent to the applicant by first class mail to the address provided by

1 the applicant.

2 **Sec. 5-2809. Suspension or revocation of license.**

3 (a) The Department of Permitting, Inspections, and Enforcement may suspend a special
4 food service facility – mobile unit license for a period not to exceed six (6) months or revoke any
5 license granted pursuant to this Division upon a finding of any of the following facts:

6 (1) The licensee, manager or employee if they constitute a nuisance because of noise,
7 physical activity, public safety, or for other good cause.

8 (2) If the licensee or manager made a false statement or gave false information in
9 connection with an application for a special food service facility – mobile unit license or a
10 renewal of a special food service facility – mobile unit license, the special food service facility –
11 mobile unit license shall be revoked;

12 (3) The licensee, in the case of a corporation, is not in good standing or
13 authorized to do business in the State;

14 (4) The licensee or an employee knowingly operated any aspect of the special food
15 service facility – mobile unit during a period of time when the special food service facility –
16 mobile unit license was suspended;

17 (5) The licensee is delinquent in the payment of County taxes, fees, fines or
18 penalties assessed against him/her or imposed against him/her in relation to a special food
19 service facility – mobile unit;

20 (6) The licensed special food service facility – mobile unit fails the inspection by the
21 Health Department pursuant to Section 12-112.

22 (b) Nothing in this Division shall prohibit the County from taking any other enforcement
23 action provided by the County Code, County Zoning Ordinance, and the laws of the State or of
24 the United States.

25 (c) When the Department of Permitting, Inspections, and Enforcement revokes a special
26 food service facility – mobile unit license, the revocation shall continue for one year, and the
27 licensee shall not be issued a special food service facility – mobile unit license for one year from
28 the date the revocation became effective.

29 (d) If a licensee has had their special food service facility – mobile unit license revoked
30 twice, they shall be ineligible to reapply for a new license.

31 **Sec. 5-2810. Appeals.**

1 (a) An applicant may appeal to the Board of Administrative Appeals from a final decision
2 of the Department of Permitting, Inspections, and Enforcement for a special food service facility
3 – mobile unit license pursuant to Section 2-117(b) of the County Code.

4 (b) Any party aggrieved by a decision of the Director with respect to the denial,
5 suspension, revocation, or refusal to renew a special food service facility – mobile unit license
6 shall have the right to appeal any such decision to the Board of Administrative Appeals for
7 Prince George's County, Maryland, within ten (10) calendar days after receipt of a denial,
8 suspension, revocation or refusal to renew decision rendered by the Director. Appeals to the
9 Board of Administrative Appeals from denial, suspension, revocation, or refusal to renew
10 decision of the Director shall be on the record of the hearing before the Director.

11 (c) Any party aggrieved by a final decision by the Board of Administrative Appeals, shall
12 be entitled to file an appeal within thirty (30) days to the Circuit Court for Prince George's
13 County, Maryland. Such appeals shall be governed by the provisions of the Maryland Rules
14 pertaining to administrative appeals.

15 SECTION 3. BE IT ENACTED by the County Council of Prince George's County,
16 Maryland, that Section 13-246 of the Prince George's County Code be and the same is hereby
17 repealed and reenacted with the following amendments:

18
19 **SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.**

20 **DIVISION 7. PROPERTY STANDARDS AND MAINTENANCE.**

21 **Sec. 13-246. Enforcement and penalty.**

22 * * * * *

23 (h) The Revenue Authority shall be authorized to issue a civil citation pursuant to Section
24 28-266.

25 SECTION 4. BE IT ENACTED by the County Council of Prince George's County,
26 Maryland, that Section 26-163.02 of the Prince George's County Code be and the same is hereby
27 repealed and reenacted with the following amendments:

28 **SUBTITLE 26. VEHICLES AND TRAFFIC.**

29 **DIVISION 15. PENALTIES**

30 **Sec. 26-163.02. Outstanding traffic and parking violation notices; impoundment.**

31 * * * * *

1 (b) Any motor vehicle or mobile food unit employed in mobile vending parked at any time
 2 upon any public street in Prince George's County in the right of way or on private property
 3 against which there are one or more traffic and/or parking violation citations or against which
 4 there have been issued two or more warrants, may, by, or under the direction of the County
 5 Police Department either by towing or otherwise, be removed or conveyed to and impounded in
 6 any place designated by the Chief of Police or the Revenue Authority, or immobilized in such
 7 manner as to prevent its operation, except that no such vehicle shall be immobilized by any
 8 means other than by the use of a device or other mechanism which will cause no damage to such
 9 vehicle unless it is moved while such device or mechanism is in place. The first date of
 10 impoundment within three hundred sixty five (365) days of the first citation shall result in a fine
 11 or fees not to exceed two thousand five hundred dollars (\$2,500.00) to obtain the vehicle. The
 12 second act of impoundment and subsequent acts of impoundment within three hundred sixty five
 13 (365) days of the first act of impoundment shall result in a fine or fees not to exceed five
 14 thousand dollars (\$5,000.00), notwithstanding subsection (c) and (d).

15
 16 ~~[(b)](c)~~ The impoundment or immobilization of a vehicle shall be done pursuant to
 17 Division 18 of this Subtitle. In any case involving immobilization of a vehicle pursuant to this
 18 Subsection, such member or officer shall cause to be placed on such vehicle, in a conspicuous
 19 manner, notice sufficient to warn any individual to the effect that such vehicle has been
 20 immobilized and that any attempt to move such vehicle might result in damage to such vehicle.

21 ~~[(c)](d)~~ The owner of such impounded or immobilized motor vehicle, or other duly
 22 authorized person, shall be permitted to repossess or to secure the release of the vehicle upon
 23 presentation of a "Certificate of No Probable Cause" or upon satisfaction of all outstanding
 24 traffic and/or parking violation notices and reimbursement of all towing, storage, and other costs
 25 incurred as a result of the impoundment or immobilization.

26 SECTION 5. BE IT ENACTED by the County Council of Prince George's County,
 27 Maryland, that Section 28-266 of the Prince George's County Code be and the same are hereby
 28 added:

29 **SUBTITLE 28. CIVIL MONETARY FINES OR PENALTIES.**
 30 **DIVISION 3. MISCELLANEOUS CIVIL VIOLATIONS.**
 31 **SUBDIVISION 2. SPECIFIC CIVIL PENALTIES PRESCRIBED.**

Sec. 28-266. Violations by Special Food Service Facilities – Mobile Units.

(a) Any person who violates any of the following provisions of the County Code shall, upon citation issued pursuant to Subdivision 1, be deemed to have committed a civil violation and shall pay to the County a civil monetary fine in the amount prescribed by Subsection (b) of this Section:

Sections 5-2803

5-2806

5-2807

11-206

11-207

12-108

12-115(a)(1).(2)(A).(B).(C) and (D)

(1) Each publication of a statement which constitutes a violation shall be a separate and distinct civil violation subject to an additional citation and fine in the amount prescribed by Subsection (b) of this Section.

(b) The civil monetary fine for each civil violation of the provisions enumerated in Subsection (a) shall be Five Hundred Dollars (\$500.00), except as provided in Subsection (c) of this Section and as provided in Section 11-277(c).

(c) For a repeated civil violation, the following fines shall apply:

| | |
|----------------------------------|-------------------|
| <u>2nd violation</u> | <u>\$500.00</u> |
| <u>Each subsequent violation</u> | <u>\$1,000.00</u> |

SECTION 6. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

SECTION 7. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)

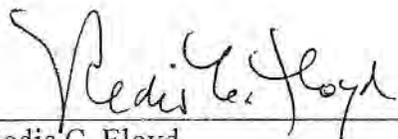
1 calendar days after it becomes law.

Adopted this 6th day of October, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: 
Mel Franklin
Chairman

ATTEST:


Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: 10-15-2015 BY: 
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

not being able to “Vend” in the County with the current regulations. Further suggesting that possibly for the first year fees could be waived for the students. The Bill sponsor indicated a representative from the Community College is on the Oversight Committee and that is the forum that will be able to address the students concerns.

The Bill was amended to include agency concerns as well as comments received from public testimony:

The Committee made the following amendments to CB-51-2015:

- 1) Page 6, line 23 – replace “permits” with “a proof of review”.
- 2) Page 7, line 3 – after “operation.” Insert “Vendors at mobile farmer’s markets selling unprepared foods such as whole and uncut fruits and vegetables are not covered by this section.”
- 3) Page 9, lines 1 thru 14 – insert as the new subsection(b):

(b) Any motor vehicle or mobile food unit employed in mobile vending parked at any time upon any public street in Prince George’s County in the right of way or on private property against which there are one or more traffic and/or parking violation citations or against which there have been issued two or more warrants, may, by, or under the direction of the County Police Department either by towing or otherwise, be removed or conveyed to and impounded in any place designated by the Chief of Police or the Revenue Authority, or immobilized in such manner as to prevent its operation, except that no such vehicle shall be immobilized by any means other than by the use of a device or other mechanism which will cause no damage to such vehicle unless it is moved while such device or mechanism is in place. The first date of impoundment within three hundred sixty five (365) days of the first citation shall result in a fine or fees not to exceed two thousand five hundred dollars (\$2,500.00) to obtain the vehicle. The second act of impoundment and subsequent acts of impoundment within three hundred sixty five (365) days of the first act of impoundment shall result in a fine or fees not to exceed five thousand dollars (\$5,000.00), notwithstanding subsection (c) and (d).

- 4) Page 9, line 16 – subsection (b) is retitled as a new(c).
- 5) Page 9, line 21 - subsection(c) is retitled as a new(d).

The Committee voted out the previously referred amendments 4 -1.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

There is a need to provide a regulatory framework for the licensing of a Special Food Service Facility – Mobile Unit that operates at Food Truck Hubs as defined under to Section 5-189.01(a).

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2015 Legislative Session

Bill No. CB-30-2015

Chapter No. 39

Proposed and Presented by Council Member Franklin

Introduced by Council Members Franklin, Lehman and Taveras

Co-Sponsors

Date of Introduction September 29, 2015

BILL

1 AN ACT concerning

2 County-based Business Compliance

3 For the purpose of establishing an annual Local Business Participation Procurement Report,
4 requiring the report to be annually provided to the County Council and County Executive, and
5 generally relating to County-based business assistance.

6 BY adding:

7 SUBTITLE 10A. PURCHASING.

8 Section 10A-176,

9 The Prince George's County Code

10 (2011 Edition; 2014 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, that Section 10A-176 of the Prince George's County Code be and the same is hereby
13 added:

14 DIVISION 7. ECONOMIC DEVELOPMENT

15 SUBDIVISION 4. LOCAL BUSINESS PARTICIPATION PROCUREMENT REPORT.

16 Sec. 10A-176. Annual Local Business Participation Procurement Report Required.

17 Within ninety (90) days after the end of each fiscal year, the Director of Central Services
18 shall prepare and transmit a written report, the Local Business Participation Procurement Report,
19 to the County Council and County Executive that includes the following information for that
20 entire fiscal year:

1 (a) The percentages and total dollar value of certified county-based business participation for
 2 procurement within (i) each agency, (ii) each NAICS industry classification and (iii) the entire
 3 county government;

4 (b) The percentages and total dollar value of certified county-based minority business
 5 enterprise participation for procurement within (i) each agency, (ii) each NAICS industry
 6 classification and (iii) the entire county government;

7 (c) The percentages and total dollar value of certified county-located business participation
 8 for procurement within (i) each agency, (ii) each NAICS industry classification and (iii) the
 9 entire county government;

10 (d) The percentages and total dollar value of certified county-based small business
 11 participation for procurement within (i) each agency, (ii) each NAICS industry classification and
 12 (iii) the entire county government;

13 (e) The percentages and total dollar value of certified minority business enterprise
 14 participation for procurement within (i) each agency, (ii) each NAICS industry classification and
 15 (iii) the entire county government;

16 (f) Total contract dollars paid for county government procurement for procurement within (i)
 17 each agency, (ii) each NAICS industry classification and (iii) the entire county government; and

18 (g) The name of the specific procurement award recipient (“procurement award recipient”
 19 includes the recipient of any procurement award, renewal or extension), procurement description,
 20 and procurement contract value for each procurement awarded, renewed or extended (including
 21 automatically renewed or extended) during the fiscal year, including

22 (1) The address of the procurement award recipient’s principal place of operation and the
 23 date that the procurement was awarded, renewed or extended; and

24 (2) Whether the procurement award recipient is a

25 (A) county-based business;

26 (B) county-based minority business enterprise;

27 (C) county-based small business;

28 (D) county-located business;

29 (E) minority business enterprise; or

30 (F) business not within the categories of subparagraphs (A)-(E), above;

31 (3) Whether the procurement award during the fiscal year was

1 (A) An initial or new award; or

2 (B) A renewal or extension.

3 (4) For initial or new awards, whether the procurement was awarded by

4 (A) a competitive bid or proposal pursuant to Sections 10A-112 or 10A-113;

5 (B) a contract negotiation or sole source contract pursuant to Section 10A-114,

6 including the reason(s) for not competitively bidding the procurement; or

7 (C) a small purchase pursuant to Section 10A-115.

8 (5) For renewals or extensions, whether the procurement was initially awarded in a
 9 previous fiscal year by

10 (A) a competitive bid or proposal pursuant to Sections 10A-112 or 10A-113;

11 (B) a contract negotiation or sole source contract pursuant to Section 10A-114,

12 including the reason(s) for not competitively bidding the procurement; or

13 (C) a small purchase pursuant to Section 10A-115.

14 (6) Whether a First Source and Local Hiring Agreement

15 (A) was required by the provisions of this Division to be executed for the
 16 procurement; and

17 (B) was executed for the procurement in accordance with this Division.

18 (7) Whether the procurement award recipient complied (or is in compliance) with the
 19 reporting requirements of this Division, if applicable;

20 (8) Whether any waiver(s) authorized by this Division were issued for the procurement,
 21 the date of issuance of such waiver(s), any alternative minimum percentages that were applied to
 22 the procurement due to any such waiver(s), and a description of the nature and justification for
 23 any such waiver(s);

24 (9) Whether any penalties or other compliance actions were taken by the Purchasing
 25 Agent to enforce the requirements of this Division and, if so, a description of those actions; and

26 (10) Whether the procurement was awarded, renewed, or extended in full compliance
 27 with this Division.

28 (h) The number of businesses, categorized by most current NAICS industry classification,
 29 with valid certifications on file with the Supplier Diversity Development Division or the Office
 30 of Central Services as a

31 (1) County-based business;

1 (2) County-based minority business enterprise;

2 (3) County-based small business;

3 (4) County-located business; or

4 (5) Minority business enterprise.

5 SECTION 2. BE IT FURTHER ENACTED that for any procurement initially bid, solicited
6 or awarded prior to July 1, 2013, at the time of any contemplated exercise of an option,
7 extension, or renewal, including automatic extension or renewal (e. g. an “evergreen” contract or
8 agreement), the Purchasing Agent shall not renew or extend such procurement and shall re-bid or
9 re-award the procurement in accordance with current law or such procurement award, extension
10 or renewal shall be void. This Section shall not apply to procurements awarded to certified
11 county-based businesses or certified county-located businesses.

12 SECTION 3. BE IT FURTHER ENACTED that the Office of Central Services and the
13 Supplier Development and Diversity Division shall provide an annual public briefing to the
14 County Council regarding the contents and subject matter of the Local Business Participation
15 Procurement Report shortly after the report’s transmittal to the County Council.

16 SECTION 4. BE IT FURTHER ENACTED that the reporting requirements of this Act
17 shall apply to procurement for Fiscal Year 2015 and every fiscal year thereafter.
18 Notwithstanding the provisions of this Act, the Local Business Participation Procurement Report
19 for Fiscal Year 2015 shall be transmitted to the County Council within sixty (60) days after the
20 effective date of this Act.

21 SECTION 5. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
22 calendar days after it becomes law.

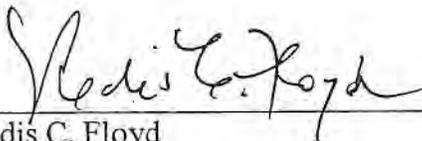
Adopted this 27th day of October, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND



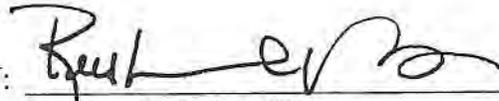
BY: _____
Mel Franklin
Chairman

ATTEST:



Redis C. Floyd
Clerk of the Council

APPROVED:



DATE: 11-6-15 BY: _____
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

Prince George's County Council Agenda Item Summary

Meeting Date: 10/27/2015
Reference No.: CB-030-2015
Draft No.: 2
Proposer(s): Franklin
Sponsor(s): Franklin, Lehman, Taveras
Item Title: An Act concerning County-based Business Compliance for the purpose of establishing an annual Local Business Participation Procurement Report, requiring the report to be annually provided to the County Council and County Executive, and generally relating to County-based business assistance.

Drafter: Office of Council Member Franklin
Resource Personnel: Colette R. Gresham, Legislative Officer
Brendon L. Laster, Chief of Staff District 9

LEGISLATIVE HISTORY:

| | | | |
|----------------------------|--|--------------------------|-------------|
| Date Presented: | 5/12/2015 | Executive Action: | 11/6/2015 S |
| Committee Referral: | 5/12/2015 - PSFM | Effective Date: | 12/22/2015 |
| Committee Action: | 9/17/2015 - FAV(A) | | |
| Date Introduced: | 9/29/2015 | | |
| Public Hearing: | 10/27/2015 - 1:30 PM | | |
| Council Action (1) | 10/27/2015 - ENACTED | | |
| Council Votes: | DLD:A, MRF:A, DG:A, AH:A, ML:-, OP:A, DT:A, KT:A, TT:A | | |
| Pass/Fail: | P | | |
| Remarks: | | | |

AFFECTED CODE SECTIONS:

10A-176

COMMITTEE REPORTS:

Public Safety and Fiscal Management

Date 9/17/2015

REPORT: COMMITTEE VOTE: Favorable as Amended 5-0 (Councilmembers: Patterson, Harrison, Lehman, Taveras, and Turner)

CB-30-2015, as proposed adds Section 10A-176 to the Prince George's County Code establishing the Local Business Participation Procurement Report (the "Report") and requires the Office of Central Services to provide the Report annually to the County Council and County Executive within 90 days of the County's fiscal year end.

The Report shall contain the items identified within proposed Section 10A-176 of the County Code and requires the Office of Central Services and the Supplier Development and Diversity Division, after the Report's transmittal to the Council, to provide an annual public briefing to the Council which discusses the substance of the Report.

The Office of Law has reviewed this legislation and finds it to be in proper legislative form with no legal

impediments to its enactment.

The Office of Audits and Investigations finds that the enactment of CB-30-2015 should not have an adverse impact on the County.

After discussion the Public Safety and Fiscal Management Committee voted 5-0 favorably as amended on this Bill.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

The proposed legislation establishes an annual Local Business Participation Procurement Report in an effort to strengthen County-based business program reporting.

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-52-2015

Chapter No. 40

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Members Turner, Lehman, Harrison, Davis, Glaros and Taveras

Co-Sponsors _____

Date of Introduction September 29, 2015

BILL

1 AN ACT concerning

2 The Classification Plan for Prince George’s County

3 For the purpose of adding a class series and upgrading existing classes of work.

4 WHEREAS, the County Executive, pursuant to Section 903 of the Prince George’s County
5 Charter and Section 16-125(a) of Subtitle 16 of the Prince George’s County Code, has, in order
6 to provide better governmental services, recommended to the County Council amendments to the
7 Classification Plan for Prince George’s County with respect to certain classes of work described
8 within Section 1 of this Bill; now, therefore,

9 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
10 Maryland, that the Classification Plan for Prince George’s County, Maryland be and the same is
11 hereby amended as follows:

12
13 [1219P Buyer I, 1219P Procurement Assistant I.
14 P-15 (\$34,450 – \$71,675)] P-15 (\$34,450 – \$71,675)

15
16 [1219A Buyer I, 1219A Procurement Assistant I.
17 A-15 (\$34,219 – \$63,109)] A-15 (\$34,219 – \$63,109)

18
19 [1219G Buyer I, 1219G Procurement Assistant I.
20 G-15 (\$34,500 – \$67,123)] G-15 (\$34,500 – \$67,123)

| | | |
|----|--------------------------------------|---|
| 1 | [1221P Buyer II, | <u>1221P Procurement Assistant II,</u> |
| 2 | P-17 (\$37,981 – \$79,022)] | <u>P-17 (\$37,981 – \$79,022)</u> |
| 3 | | |
| 4 | [1221A Buyer II, | <u>1221A Procurement Assistant II,</u> |
| 5 | A-17 (\$37,727 – \$69,352)] | <u>A-17 (\$37,727 – \$69,352)</u> |
| 6 | | |
| 7 | [1221G Buyer II, | <u>1221G Procurement Assistant II,</u> |
| 8 | G-17 (\$38,035 – \$74,002)] | <u>G-17 (\$38,035 – \$74,002)</u> |
| 9 | | |
| 10 | | <u>1218G Procurement Officer I,</u> |
| 11 | | <u>G-18 (\$39,938 - \$77,704)</u> |
| 12 | | |
| 13 | [3020A Environmental Sanitarian I, | <u>3020A Environmental Health Specialist I,</u> |
| 14 | A-18 (\$39,614 - \$72,759)] | <u>A-18 (\$39,614 - \$72,759)</u> |
| 15 | | |
| 16 | [3020G Environmental Sanitarian I, | <u>3020G Environmental Health Specialist I,</u> |
| 17 | G-18 (\$39,938 - \$77,704)] | <u>G-18 (\$39,938 - \$77,704)</u> |
| 18 | | |
| 19 | [3021A Environmental Sanitarian II, | <u>3021A Environmental Health Specialist II,</u> |
| 20 | A-21 (\$45,858 - \$83,969)] | <u>A-21 (\$45,858 - \$83,969)</u> |
| 21 | | |
| 22 | [3021G Environmental Sanitarian II, | <u>3021G Environmental Health Specialist II,</u> |
| 23 | G-21 (\$46,233 - \$89,950)] | <u>G-21 (\$46,233 - \$89,950)</u> |
| 24 | | |
| 25 | [3022A Environmental Sanitarian III, | <u>3022A Environmental Health Specialist III,</u> |
| 26 | A-24 (\$53,086 - \$96,884)] | <u>A-24 (\$53,086 - \$96,884)</u> |
| 27 | | |
| 28 | [3022G Environmental Sanitarian III, | <u>3022G Environmental Health Specialist III,</u> |
| 29 | G-24 (\$53,521 - \$104,129)] | <u>G-24 (\$53,521 - \$104,129)</u> |
| 30 | | |

| | | |
|----|-------------------------------------|--|
| 1 | [3023A Environmental Sanitarian IV, | <u>3023A Environmental Health Specialist IV,</u> |
| 2 | A-27 (\$61,454 - \$112,009)] | <u>A-27 (\$61,454 - \$112,009)</u> |
| 3 | | |
| 4 | [3023G Environmental Sanitarian IV, | <u>3023G Environmental Health Specialist IV,</u> |
| 5 | G-27 (\$61,958 - \$120,542)] | <u>G-27 (\$61,958 - \$120,542)</u> |
| 6 | | |
| 7 | [3024G Environmental Sanitarian V, | <u>3024G Environmental Health Specialist V,</u> |
| 8 | G-29 (\$68,307 - \$132,897)] | <u>G-29 (\$68,307 - \$132,897)</u> |
| 9 | | |
| 10 | [1222P Buyer III, | <u>1222P Procurement Officer II,</u> |
| 11 | P-21 (\$46,166 - \$96,051)] | <u>P-21 (\$46,166 - \$96,051)</u> |
| 12 | | |
| 13 | [1222A Buyer III, | <u>1222A Procurement Officer II,</u> |
| 14 | A-21 (\$45,858 - \$83,969)] | <u>A-21 (\$45,858 - \$83,969)</u> |
| 15 | | |
| 16 | [1222G Buyer III, | <u>1222G Procurement Officer II,</u> |
| 17 | G-21 (\$46,233 - \$89,950)] | <u>G-21 (\$46,233 - \$89,950)</u> |
| 18 | | |
| 19 | [1223P Buyer IV, | <u>1223P Procurement Officer III,</u> |
| 20 | P-24 (\$53,444 - \$111,191)] | <u>P-24 (\$53,444 - \$111,191)</u> |
| 21 | | |
| 22 | [1223G Buyer IV, | <u>1223G Procurement Officer III,</u> |
| 23 | G-24 (\$53,521 - \$104,129)] | <u>G-24 (\$53,521 - \$104,129)</u> |
| 24 | | |
| 25 | | <u>3431G Weapons Instructor I</u> |
| 26 | | <u>G-18 (\$39,938 - \$77,704)</u> |
| 27 | | |
| 28 | | <u>3432G Weapons Instructor II</u> |
| 29 | | <u>G-21 (\$46,233 - \$89,950)</u> |

3433G Weapons Instructor Supervisor

G-24 (\$53,521 - \$104,129)

1
2
3
4

SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

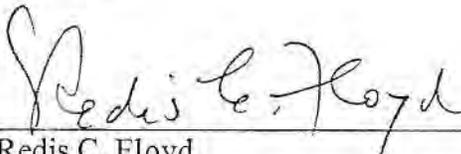
Adopted this 27th day of October, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND



BY: _____
Mel Franklin
Chairman

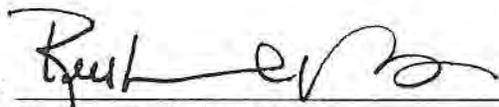
ATTEST:



Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: 11-6-15

BY:  _____
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

Prince George's County Council Agenda Item Summary

Meeting Date: 10/27/2015
Reference No.: CB-052-2015
Draft No.: 1
Proposer(s): County Executive
Sponsor(s): Turner, Lehman, Harrison, Davis, Glaros, Taveras
Item Title: An Act amending the Classification Plan for Prince George's County to add the Weapons Instructor class series and amend the Buyer and Environmental Sanitarian class series

Drafter: Valerie A. Farrar, OHRM
Resource Personnel: Stephanye R. Maxwell Esq., OHRM

LEGISLATIVE HISTORY:

| | | | |
|----------------------------|------------------|--------------------------|-------------|
| Date Presented: | 7/21/2015 | Executive Action: | 11/6/2015 S |
| Committee Referral: | 7/21/2015 - PSFM | Effective Date: | 12/22/2015 |

Committee Action: 9/17/2015 - FAV

Date Introduced: 9/29/2015
Public Hearing: 10/27/2015 - 1:30 PM

Council Action (1) 10/27/2015 - ENACTED
Council Votes: DLD:A, MRF:A, DG:A, AH:A, ML:-, OP:A, DT:A, KT:A, TT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

COMMITTEE REPORTS:

Public Safety and Fiscal Management

Date 9/17/2015

REPORT: Committee Vote: Favorable, 5-0 (In favor: Council Members Patterson, Harrison, Lehman, Taveras and Turner)

CB-52-2015 as proposed will amend the Classification Plan for the County by upgrading the existing classes for work for the Buyer class series and will amend the position titles for the Environmental Sanitarian class series by adding the Weapons Instructor class series.

The Office of Human Resources Management conducted a Classification/Compensation study for the Buyer series and found the need to upgrade the nature of the work to make the class series more relevant for the current work force.

The Office of Human Resources Management in cooperation with the Health Department also conducted a classification/Compensation study for the Environmental Sanitarian class and the study found the need to update the series to meet the State of Maryland's certification requirements.

Finally, a job analysis performed by the Office of Human Resources and Management revealed the need to add the Weapons Instructor class series to the County's Class Plan because Weapons Instructors must maintain a MPCTC certification.

Valarie Farrar from the Office of Human Resources Management gave an overview of the bill. There are currently six (6) filled positions in the Administrative Assistant classification that will be affected by this change.

The Office of Law has reviewed this legislation and finds it to be in proper legislative form with no legal impediments to its enactment.

The Office of Audits and Investigation finds that enactment of CB-52-2015 should not have adverse impact on the County, since there will be no salary or benefit adjustments related to the proposed changes in the Class Plan.

After discussion, the PSFM Committee voted 5-0 favorably on the bill.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This Bill is submitted pursuant to Section 903 of Article IX of the Prince George's County Charter and Section 16-125 (a) of the Prince George's County Code. It proposes to add the Weapons Instructor class series and amend the Buyer and Environmental Sanitarian class series. The amendment to Buyer and Environmental Sanitarian class series includes changing the duties and title under each class series. The fiscal impact will be provided by the Office of Management and Budget.

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-59-2015

Chapter No. 46

Proposed and Presented by Council Members Taveras and Turner

Introduced by Council Members Taveras, Turner, Lehman and Harrison

Co-Sponsors _____

Date of Introduction October 6, 2015

BILL

1 AN ACT concerning

2 Age Restricted Senior Rental Leases

3 For the purpose of amending the Landlord-Tenant Code to provide certain age restricted senior
4 lessees with twenty-four month residential leases; to provide for the administration and notice of
5 the Program; and generally relating to senior rental leases in age restricted senior housing in the
6 County.

7 BY repealing and reenacting with amendments:

8 SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

9 Sections 13-138 and 13-161,

10 The Prince George's County Code

11 (2011 Edition, 2014 Supplement).

12 BY adding:

13 SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

14 Sections 13-165, 13-166, and 13-167,

15 The Prince George's County Code

16 (2011 Edition, 2014 Supplement).

17 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
18 Maryland, that Sections 13-138 and 13-161 of the Prince George's County Code be and the same
19 are hereby repealed and reenacted with amendments:

20 **SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.**

21 **DIVISION 3. LANDLORD-TENANT REGULATIONS.**

SUBDIVISION 2. LANDLORD-TENANT CODE.

Sec. 13-138. Definitions.

(a) For the purposes of this Division (and Division 4), the following terms have the meanings:

(1.1) Age restricted senior housing means any senior facility and/or building that has an age restriction of fifty-five (55) years and older for a lease to live in the facility and/or building.

* * * * *

(13) Senior lessee means a person at least fifty-five (55) years of age at the time the lease or renewal is offered.

* * * * *

Sec. 13-161. Lease agreement; conditions.

(a) As a condition precedent to the leasing of a dwelling unit in a multifamily and in age restricted senior housing in this County, there shall be either an oral lease between the landlord and tenant, where such an oral lease is allowable under Maryland law, or a written lease evidencing the understanding of the parties which shall be executed by both the landlord and the tenant.

(b) The lease shall be subject to the following conditions:

(1) If the lease is in writing, it shall be executed in duplicate, one (1) copy of which shall be provided to the tenant at the time of execution.

(2) The lease shall be for an initial term as shall be specified and renewable for such additional term, if any, as shall be specified, except as provided under Section 13-166. Such renewing shall be at the tenant's option. All terms and conditions of renewals shall be the same as for the initial term, except as provided under Section 13-166 or as may be otherwise agreed to by the parties, and except for lawful rent increases.

* * * * *

SECTION 2. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 13-165, 13-166, and 13-167 of the Prince George's County Code be and the same are hereby added:

SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

DIVISION 3. LANDLORD-TENANT REGULATIONS.

1 (b) The Department of Permitting, Inspections and Enforcement shall use the rental
2 license process to determine if landlords have appropriately offered the twenty-four (24) month
3 lease period to lessees. The Department of Permitting, Inspections and Enforcement may deny,
4 suspend or revoke a rental license or the renewal of a rental license, pursuant to Sections 13-184
5 or 13-187 of the Code, if they find that the landlord has not offered this lease period.

6 (c) The Department of Housing and Community Development, in conjunction with the
7 Department of Social Services and the Office on Aging, will use HUD and other housing
8 resources to help encourage financial literacy and to provide housing information to seniors.

9 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
10 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
11 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
12 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
13 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
14 Act, since the same would have been enacted without the incorporation in this Act of any such
15 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

16 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
17 calendar days after it becomes law.

Adopted this 3rd day of November, 2015.

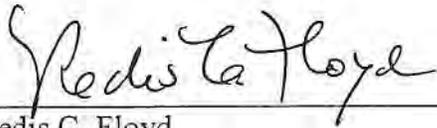
COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____



Mel Franklin
Chairman

ATTEST:

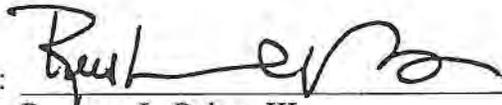


Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: November 13, 2015

BY: _____



Rushern L. Baker, III
County Executive

Prince George's County Council Agenda Item Summary

Meeting Date: 11/3/2015
Reference No.: CB-059-2015
Draft No.: 3
Proposer(s): Taveras, Turner
Sponsor(s): Taveras, Turner, Lehman, Harrison
Item Title: An Act concerning Senior Rental Leases for the purpose of amending the Landlord-Tenant Code to provide certain senior tenants with twenty-four month residential leases; to establish the Senior Tenant Rental Leases Program; to provide for the administration and notice of the Program; and generally relating to senior tenant rental leases in the County.

Drafter: Kathleen H. Canning, Legislative Officer
Resource Personnel: Wanika Fisher, Council District 2

LEGISLATIVE HISTORY:

| | | | |
|----------------------------|-----------------|--------------------------|--------------|
| Date Presented: | 7/21/2015 | Executive Action: | 11/13/2015 S |
| Committee Referral: | 7/21/2015 - THE | Effective Date: | 12/29/2015 |

Committee Action: 9/24/2015 - FAV(A)

Date Introduced: 10/6/2015
Public Hearing: 11/3/2015 - 10:00 AM

Council Action (1) 11/3/2015 - ENACTED
Council Votes: DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:-, DT:A, KT:A, TT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

13-138, 13-161, 13-165, 13-166, 13-167

COMMITTEE REPORTS:

Transportation, Housing and Environment Committee

Date 9/24/2015

September 24th, 2015

Committee Vote: Favorable with Amendments, 5-0 (In favor: Council Members Lehman, Turner, Taveras, Franklin and Glaros)

Staff provided a summary of the bill and referral comments that were received. CB-59-2015 amends the Landlord-Tenant Code to provide certain senior tenants with twenty-four month residential leases; to provide for the administration and notice of the Program; and generally relating to senior tenants.

Eric Brown, Director, Department of Housing and Community Development, and Ron Weinholt of AOBA provided testimony.

Amendments that were accepted are as follows:

- On page 1, in line 2, before "Senior", insert "Age Restricted".
- On page 1, in line 3, after "certain" insert "age restricted".
- On page 1, in line 3, strike "tenants" and substitute "lessees".
- On page 1, in line 4, strike "to establish the Senior Tenant Rental Leases Program;"
- On page 1, in line 5, strike "tenant" and in line 6, after "leases" insert "in age restricted senior housing".

On page 2, after line 4, insert: "(1.1) Age restricted senior housing means any senior facility and/or building that has an age restriction of 55 years and older for a lease to live in the facility and/or building."

- On page 2, in line 6, strike "tenant" and substitute "lessee".
- On page 2, in line 6, strike "sixty-two (62)" and substitute "fifty-five (55)".
- On page 2, in line 10, strike the brackets and in line 11, strike the bracket and in line 12, strike the bracket.

- On page 3, in line 1, strike "tenants" and substitute "lessees".
- On page 3, in line 8, strike "tenant" and substitute "lessee".
- On page 3, in line 8, strike "privately managed", and strike "market rate rental" and substitute "age restricted senior".
- On page 3, in line 8, strike the second "tenant" and substitute "lessee".
- On page 3, in line 9, strike "The types of rental" and substitute "Rental".
- On page 3, in line 10, after "for" insert "Department of Housing and Urban Development".
- On page 3, in line 10, strike "and" and substitute a comma.
- On page 3, in line 10, strike "managed".
- On page 3, in line 10, after "housing" insert "assisted living, care home and nursing home facilities. The twenty-four (24) month lease or renewal lease shall apply to senior lessees in a facility that are at least fifty five (55) years of age at the time the lease or renewal is offered."

CB-59-2015 (DR-2) Age Restricted Senior Rental Leases

- On page 3, in lines 14-16, strike "At the beginning of a new or renewal twenty-four (24) month senior lease, the rent may be increased by no more than the Baltimore-Washington area cost of living index."
- On page 3, strike lines 17-19.
- On page 3, in line 20, strike "(e)" and substitute "(d)".
- On page 3, in line 20, strike "tenants" and substitute "lessees".
- On page 3, in lines 21, 22, and 23, respectively, strike "option" and substitute "period".
- On page 3, strike lines 26, 27, and 28.
- On page 3, in line 29, strike "(c)" and substitute "(a)".
- On page 3, strike "certify" in line 29, down through "(2)" in line 30, and substitute ", as part of the biennial renewal process, "

- On page 4, in line 1, strike "(3)" and substitute "(2)".
- On page 4, in line 3, strike "(d)" and substitute "(b)".
- On page 4, in line 5, strike "option" and substitute "period"; and in line 5, strike "tenants" and substitute "lessees".

On page 4, strike beginning with "The" in line 5 down through "option" in line 6, and substitute "The Department of Permitting, Inspections and Enforcement may deny, suspend or revoke a rental license or the renewal of a rental license, pursuant to Section 13-184 or 13-187 of the Code, if they find that the landlord has not offered this lease period".

On page 4, after line 6, insert: "(c) The Department of Housing and Community Development, in conjunction with the Department of Social Services and the Office on Aging, will use HUD and other housing resources to help encourage financial literacy and to provide housing information to seniors."

Staff provided a summary of the bill and referral comments that were received.

Eric Brown, Director, Department of Housing and Community Development, and Maryann Dillon, HIP provided testimony in support of the bill. Several senior citizens from Evergreen and the Willows in Bowie also testified in support of this bill.

The Office of Law determined that CB-59-2015 was in proper legislative form and without legal impediments to its adoption.

The Office of Audits and Investigation indicated there will be no adverse fiscal impact on the County as a result of adopting CB-59-2015 (DR-2).

September 17th 2015

Staff provided a summary of the bill and referral comments that were received.

Eric Brown, Director, Department of Housing and Community Development, and Maryann Dillon, HIP provided testimony in support of the bill. Several senior citizens from Evergreen and the Willows in Bowie also testified in support of this bill.

The Office of Law determined that CB-59-2015 was in proper legislative form and without legal impediments to its adoption.

The Office of Audits and Investigation indicated there will be no adverse fiscal impact on the County as a result of adopting CB-59-2015 (DR-2).

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This bill concerns certain senior rental leases and amends the Landlord-Tenant Code to provide certain senior tenants with twenty-four month residential leases in the County.

10/6/2015: CB-59-2015 (DR-2) was amended on the floor prior to introduction as follows:

1. On page 2, strike beginning with "an" in line 13 down through " facility" in line 14, and substitute "in age restricted senior housing".
2. On Page 3, strike beginning with "rental" in line 12 down through the second "housing" in line 13.

CB-59-2015 (DR-3) was introduced

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-70-2015

Chapter No. 47

Proposed and Presented by Council Member Franklin

Introduced by Council Members Franklin, Lehman, Glaros, Davis, Taveras and Patterson

Co-Sponsors _____

Date of Introduction October 6, 2015

BILL

1 AN ACT concerning

2 Litter

3 For the purpose of ensuring enforcement and penalties for littering; prohibiting the accumulation
4 or deposit of litter; providing for action upon noncompliance; providing for civil monetary fines
5 and injunctive relief; providing for removal of litter from sidewalks and debris from roadways;
6 and generally relating to litter.

7 BY repealing and reenacting with amendments:

8 SUBTITLE 13. HOUSING AND PROPERTY
9 STANDARDS.
10 Section 13-246,
11 The Prince George's County Code
12 (2011 Edition; 2014 Supplement).

13
14 SUBTITLE 13. HOUSING AND PROPERTY
15 STANDARDS.
16 Sections 13-265, 13-267, and 13-271,
17 The Prince George's County Code
18 (2011 Edition; 2014 Supplement).

19
20 SUBTITLE 13. ROADS AND SIDEWALKS.
21 Section 23-150,

1 The Prince George's County Code
 2 (2011 Edition; 2014 Supplement).

3
 4 SUBTITLE 28. CIVIL MONETARY FINES
 5 OR PENALTIES.

6 Section 28-259,
 7 The Prince George's County Code
 8 (2011 Edition; 2014 Supplement).

9
 10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 11 Maryland, that Section 13-246 of the Prince George's County Code be and the same is hereby
 12 repealed and reenacted with the following amendments:

13 **SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.**

14 **DIVISION 7. PROPERTY STANDARDS AND MAINTENANCE .**

15 **Sec. 13-246. Enforcement and penalty.**

16 (a) In the event that an owner does not comply with a notice of violation within the time
 17 period provided (including any period allowed by appeal) and upon verification by the Director
 18 or the Director's designee that the violation still exists, the Director or the Director's designee
 19 may issue upon the responsible parties a civil citation pursuant to Subtitle 28, Division 3, of this
 20 Code and, for properties subject to foreclosure, the Director shall issue upon the responsible
 21 parties a civil citation pursuant to Subtitle 28, Division 3, of this Code.

22 (b) The responsible party as defined in Section 13-232 [28-102] issued the civil citation
 23 shall be subject to a monetary fine of [Five Hundred Dollars (\$500.00) for the first violation,
 24 and] One Thousand Dollars (\$1,000) for each [subsequent] violation, [within a thirty-six (36)
 25 month period from the first violation.]

26 (c) Each day the violation continues is deemed a separate offense and is subject to an
 27 additional citation and fine in the same dollar amount as the repeat citation(s).

28 (d) In addition, a lien shall be placed on the property pursuant to Section 13-246.02, which
 29 shall be paid in full before transfer or sale of the property, for monies expended by the County
 30 for demolition, repair or enclosure of a building or removal of garbage, refuse, or other

1 hazardous, noxious, or unhealthy substances or materials where the responsible party refuses or
2 fails to comply with the lawful order of the County.

3 (e) In addition, any person who violates or fails to comply with any provision of this
4 Division shall, upon conviction, be guilty of a misdemeanor and subject to a fine not to exceed
5 the doubling of the total sum of all fines associated with citations issued to the person pursuant to
6 this Section or imprisonment not to exceed ninety (90) days, or both.

7 (f) In addition to the other remedies provided herein, the County Attorney, on behalf of
8 the County, may institute an injunction, mandamus, or other appropriate action or proceeding to
9 enforce the provisions of this Division.

10 (g) The Police Department shall be authorized to issue a criminal citation or a civil citation
11 pursuant to Subtitle 28, Division 3.

12 * * * * *

13 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
14 Maryland, that Sections 13-265, 13-267, and 13-271 of the Prince George's County Code be and
15 the same are hereby repealed and reenacted with the following amendments:

16 **SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.**

17 **DIVISION 9. ANTI LITTER AND WEED ORDINANCE.**

18 **Sec. 13-265. Accumulation or deposit of litter prohibited.**

19
20 (a) It shall be the duty of every person as owner, occupant, lessee, or agent in charge of
21 land lying within the unincorporated areas of the County, except as otherwise provided in
22 Section 13-262, to prevent litter, garbage, rubbish, and refuse from accumulating, either
23 temporarily or permanently, on such land. The owner of improved property which is used for
24 commercial or industrial purposes shall remove all garbage and rubbish from both the paved and
25 unpaved public areas and empty the receptacle into an approved container in accordance with
26 Section 13-234. This Section shall not apply to those activities otherwise allowable under
27 Subtitle 21 of this Code, and shall not apply to those persons who store litter in private
28 receptacles for collection, or under controlled conditions for industrial processing, such as
29 recycling.

30 (b) It is a violation of this Division for any person to deposit or place litter on any land
31 lying within the County, including any public lands or rights of way. A person violating this
32 subsection shall be subject to the penalties prescribed in Section 13-271.

1 * * * * *
2 **Sec. 13-267. Action upon noncompliance.**

3 It shall be the responsibility of any owner or responsible person duly notified to properly
4 dispose of litter or weeds, or both, within ten (10) calendar days after certified mailing of written
5 notice provided for in Section 13-266, above, or within ten (10) calendar days after receipt of
6 written notice when personal service is effected, or within ten (10) calendar days after physical
7 posting of the property, and so notify the Director. If the violation is not corrected within such
8 time period, the Director shall issue a civil monetary fine in accordance with Section 13-271.
9 [the] The Director is also hereby authorized and empowered to defray the costs of disposing of
10 such litter or weeds, or both, by contract, or to order its disposal by County personnel. The
11 property owner shall be notified of the charges for disposal, in the manner prescribed by Section
12 13-266, and shall have thirty (30) days to pay.

13 * * * * *
14 **Sec. 13-271. Civil monetary fine; injunctive relief.**

15 (a) In addition to the provisions of Sections 13-267 through 13-270 of this Code, a person
16 found in violation of this Division [9] shall be liable to a civil fine in accordance with Division 3
17 of Subtitle 28 of this Code.

18 (b) The person issued the civil citation for violating this Division shall be subject to a
19 monetary fine of [One Hundred Dollars (\$100.00) for the first violation, Five Hundred Dollars
20 (\$500.00) for the second violation and] One Thousand Dollars (\$1,000) for each [subsequent]
21 violation. [within a thirty-six (36) month period from the first violation.] Each day the violation
22 continues is deemed a separate offense and is subject to an additional citation and fine.

23 (c) In addition, the County Attorney shall be authorized to pursue compliance of
24 this Division by way of injunctive relief in a court of competent jurisdiction.

25 (d) The Police Department shall be authorized to issue a criminal citation or warning in
26 lieu of the issuance of a civil citation pursuant to Subtitle 28, Division 3.

27 * * * * *

28 SECTION 3. BE IT ENACTED by the County Council of Prince George's County,
29 Maryland, that Section 23-150 of the Prince George's County Code be and the same is hereby
30 repealed and reenacted with the following amendments:

31 **SUBTITLE 23. ROADS AND SIDEWALKS.**

**DIVISION 4. REQUIRED REMOVAL OF SNOW, ICE, WEEDS,
LITTER, AND DEBRIS FROM SIDEWALKS AND DEBRIS FROM ROADWAYS.**

Sec. 23-150. Duty to remove snow, ice, weeds, litter, and debris.

(a) For the purposes of this Section only, "commercial property" shall mean any property that is used to conduct a trade or business that provides goods or services to the public. It shall also include properties that are zoned industrial, commercial, or residential under the provisions of Subtitle 27 of this Code that are used to provide goods or services to the public.

(b) It shall be the duty of the owner or lessor, as the case may be, of a residential dwelling unit or commercial property, unless such duty has been delegated to a lessee in actual possession, to remove snow and ice from any sidewalk abutting the subject property within forty-eight (48) hours after snow has fallen or ice has formed as a result of inclement weather or runoff from abutting surfaces.

(c) It shall be the duty of the owner or lessor, as the case may be, of a residential dwelling unit or commercial property, unless such duty has been delegated to a lessee in actual possession, to remove litter and debris from the property line of that building, lot, or land to the edge of the concrete curb and gutter adjoining the roadway in the case of an urban (closed) section roadway, and from the private property line to the edge of the paved roadway surface in the case of a rural (open) section roadway.

(d) It shall be the duty of the owner or lessor, as the case may be, of a residential dwelling unit or commercial property, unless such duty has been delegated to a lessee in actual possession, to keep all weeds, as defined in Section 23-102 of this Subtitle, located in the public space set forth in Subsection (c) of this Section, cut to a height of not over six (6) inches.

(e) The Police Department or other appropriate County enforcement agency shall be responsible for enforcing the provisions of this Section.

(f) Any person primarily responsible for the removal of snow, ice, weeds, [litter,] or debris who breaches said duty shall be subject to a civil fine not to exceed One Hundred Dollars (\$100.00) for each separate offense. Any person primarily responsible for the removal of litter who breaches said duty shall be subject to a civil fine of One Thousand Dollars (\$1000.00) for each separate offense.

(g) This Section shall not apply to materials left within the public right-of-way as a result of a lawfully executed eviction action, from a single family rental facility as defined in Section

1 13-138 of the Code or for bulky trash left in the right-of-way as a result of illegal dumping by
2 others.

3 * * * * *

4 SECTION 4. BE IT ENACTED by the County Council of Prince George's County,
5 Maryland, that Section 28-259 of the Prince George's County Code be and the same is hereby
6 repealed and reenacted with the following amendments:

7 **SUBTITLE 28. CIVIL MONETARY FINES OR PENALTIES.**

8 **DIVISION 3. MISCELLEANOUS CIVIL VIOLATIONS.**

9 **SUBDIVISION 1. GENERAL.**

10 **Sec. 28-259. Proceedings before the District Court.**

11 (a) The County Attorney shall prosecute all civil violations before the District Court.

12 (b) With the exception of violations pursuant to Sections 13-246, 13-271, or 23-150 of the
13 Code, and the tax lien placed on the property per Section 13-246.02 or Section 13-269 of the
14 Prince George's County Code, which shall be paid in full to Prince George's County through the
15 Office of Finance before transfer or sale of the property, upon a finding of a violation the civil
16 fine imposed by the Court shall be in an amount deemed appropriate by the Court but shall not
17 be less than the total amount in the schedule contained in Section 28-111 of this Division. With
18 the exception of violations pursuant to Sections 13-246, 13-271, or 23-150 of the Code, the Court
19 may suspend or defer the payment of the civil fine upon such reasonable grounds as the Court
20 determines. Upon a finding of a violation pursuant to Sections 13-246, 13-271, or 23-150 of the
21 Code, the civil fine imposed by the Court shall be strictly in accordance with the fines prescribed
22 in Sections 13-246, 13-271, and 23-150 of the Code.

23 SECTION 5. BE IT FURTHER ENACTED that the provisions of this Act are hereby
24 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
25 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
26 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
27 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
28 Act, since the same would have been enacted without the incorporation in this Act of any such
29 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
30 or section.

1 SECTION 6. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
2 calendar days after it becomes law.

Adopted this 3rd day of November, 2015.

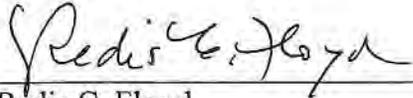
COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____



Mel Franklin
Chairman

ATTEST:

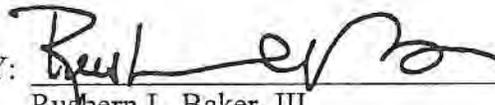


Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: November 13, 2015

BY: _____



Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

Prince George's County Council Agenda Item Summary

Meeting Date: 11/3/2015
Reference No.: CB-070-2015
Draft No.: 1
Proposer(s): Franklin
Sponsor(s): Davis, Lehman, Glaros, Taveras, Patterson
Item Title: An Act concerning Litter for the purpose of ensuring enforcement and penalties for littering; prohibiting the accumulation or deposit of litter; providing for action upon noncompliance; providing for civil monetary fines and injunctive relief; providing for removal of litter from sidewalks and debris from roadways; and generally relating to litter.

Drafter: Kathleen H. Canning, Legislative Officer
Resource Personnel: Brendon L. Laster, Chief of Staff District 9

LEGISLATIVE HISTORY:

| | | | |
|----------------------------|--|--------------------------|--------------|
| Date Presented: | 9/15/2015 | Executive Action: | 11/13/2015 S |
| Committee Referral: | 9/15/2015 - THE | Effective Date: | 12/29/2015 |
| Committee Action: | 9/24/2015 - FAV | | |
| Date Introduced: | 10/6/2015 | | |
| Public Hearing: | 11/3/2015 - 10:00 AM | | |
| Council Action (1) | 11/3/2015 - ENACTED | | |
| Council Votes: | DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:-, DT:A, KT:A, TT:A | | |
| Pass/Fail: | P | | |
| Remarks: | | | |

AFFECTED CODE SECTIONS:

13-246, 13-265, 13-267, 13-271, 23-150, 28-259

COMMITTEE REPORTS:

Transportation, Housing and Environment Committee
September 24th, 2015

Date 9/24/2015

Committee Vote: Favorable, 5-0 (In favor: Council Members Lehman, Turner, Taveras, Franklin and Glaros)

Staff provided a summary of the bill and referral comments that were received. CB-70-2015 is an Act concerning litter for the purpose of ensuring enforcement and penalties for littering; prohibiting the accumulation or deposit of litter; providing for action upon noncompliance; providing for civil monetary fines and injunctive relief; providing for removal of litter from sidewalks and debris from roadways; and generally relating to litter.

Susan Hubbard, Prince Georges County, Department of Permits, Inspections and Enforcement and Martin Harris, Prince Georges County, Department of Public Works and Transportation, provided additional information and answered questions in committee.

The Office of Law determined that CB-70-2015 was in proper legislative form and without legal impediments to its adoption.

The Office of Audits and Investigation indicated there will be a fiscal impact on the County as a result of adopting CB-70-2015. However, an accurate approximation of the fiscal impact on the County cannot be determined at this time.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

The bill provides for the increased enforcement and increased penalties for littering. The bill prohibits the accumulation or deposit of litter. Further, the bill provides for increased civil monetary fines and injunctive relief. The bill provides generally for the removal of litter from sidewalks and debris from roadways.

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-29-2015

Chapter No. 51

Proposed and Presented by Council Member Franklin

Introduced by Council Members Franklin, Turner, Taveras, Patterson, Harrison and Davis

Co-Sponsors _____

Date of Introduction October 13, 2015

BILL

1 AN ACT concerning

2 Minority Business Enterprise Certification

3 For the purpose of requiring the decertification of businesses that are improperly certified as
4 minority business enterprises.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 10A. PURCHASING.

7 Sections 10A-136,

8 The Prince George's County Code

9 (2011 Edition; 2014 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
11 Maryland, that Section 10A-136 of the Prince George's County Code be and the same is hereby
12 repealed and reenacted with the following amendments:

13 SUBTITLE 10A. PURCHASING.

14 DIVISION 6. SPECIAL PROVISIONS.

15 SUBDIVISION 1. MINORITY BUSINESS OPPORTUNITIES PROGRAM.

16 **Sec. 10A-136. Assistance to minority business enterprises; certification and decertification.**

17 * * * * *

18 (w) Regardless of any minority business certifications issued by other jurisdictions or
19 entities or related reciprocal agreements, the Executive Director shall decertify any business as a
20 minority business enterprise that the Executive Director determines does not meet the
21 requirements of Sections 10A-101(a)(26)(A) and 10A-101(a)(26)(B) of the Code. Such a

1 business shall not be recognized by the Purchasing Agent or Supplier Development and
2 Diversity Division as a minority business enterprise.

3 SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
4 calendar days after it becomes law.

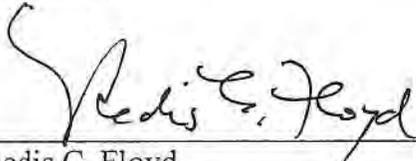
Adopted this 10th day of November, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND



BY: _____
Mel Franklin
Chairman

ATTEST:



Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: 11-19-2015

BY: 
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

Prince George's County Council Agenda Item Summary

Meeting Date: 11/10/2015
Reference No.: CB-029-2015
Draft No.: 1
Proposer(s): Franklin
Sponsor(s): Franklin, Turner, Taveras, Patterson, Harrison, Davis
Item Title: An Act concerning Minority Business Enterprise Certification for the purpose of requiring the decertification of businesses that are improperly certified as minority business enterprises.

Drafter: Office of Council Member Franklin
Resource Personnel: Colette R. Gresham, Legislative Officer
Brendon L. Laster, Chief of Staff

LEGISLATIVE HISTORY:

| | | | |
|----------------------------|------------------|--------------------------|--------------|
| Date Presented: | 5/12/2015 | Executive Action: | 11/19/2015 S |
| Committee Referral: | 5/12/2015 - PSFM | Effective Date: | 1/4/2016 |

Committee Action: 10/1/2015 - FAV

Date Introduced: 10/13/2015
Public Hearing: 11/10/2015 - 11:00 AM

Council Action (1) 11/10/2015 - ENACTED
Council Votes: DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:A, DT:A, KT:A, TT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

10A-136

COMMITTEE REPORTS:

Public Safety and Fiscal Management Committee

Date 10/1/2015

REPORT: Committee Vote: Favorable, 5-0 (In favor: Council Members Patterson, Harrison, Lehman, Taveras, and Turner)

CB-29-2015 provides authority to the Executive Director of the Supplier Diversity and Development Division to decertify a business as a minority business enterprise for not maintaining fifty-one (51%) percent ownership by minority individuals or stockholders and for not retaining a minority individual who controls the general management of daily affairs and essential operations of the Business.

During the Committee meeting staff from the Office of Central Services cited numerous instances where this bill is required. The overall goal is to maintain the integrity and preferences given to minority businesses.

The Office of Law has reviewed this legislation and finds it to be in proper legislative form with no legal impediments to its enactment.

The Office of Audits and Investigations finds that enactment of CB-29-2015 should not have an adverse impact on the County.

After the overview and discussion, the PSFM Committee voted 5-0 favorably for CB-29-2015.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

The proposed legislation requires the decertification of businesses that are improperly certified as minority business enterprises.

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-84-2015

Chapter No. 54

Proposed and Presented by Council Member Franklin and Davis

Introduced by Council Members Franklin, Davis, Toles and Turner

Co-Sponsors _____

Date of Introduction October 13, 2015

BILL

1 AN ACT concerning

2 Building and Grading Permits

3 For the purpose of establishing a fifteen-business-day goal as to the issuance of building and
4 grading permits for projects enrolled in the Department of Permitting, Inspections and
5 Enforcement's Peer Review Program, subject to certain conditions.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 4. BUILDING.

8 Section 4-345,

9 The Prince George's County Code

10 (2011 Edition, 2014 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, that Section 4-345 of the Prince George's County Code be and the same is hereby
13 repealed and reenacted with amendments:

14 **SUBTITLE 4. BUILDING.**

15 **DIVISION 5. ADMINISTRATIVE PROVISIONS.**

16 **Sec. 4-345. Requirements for Grading, Building Construction, Removal, etc., generally.**

17 (a) The regulations contained in this Subtitle and the provisions of its Divisions jointly
18 construed shall control all matters concerning grading, drainage, and erosion control, and the
19 construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and
20 maintenance of all buildings and structures and their service equipment, and shall apply to
21 existing or proposed buildings and structures in the County, except such matters as are otherwise

1 provided for in the Prince George's County Code, in the rules and regulations pertaining to the
2 Washington Suburban Sanitary District as lawfully adopted by the Washington Suburban
3 Sanitary Commission pursuant to the authorities contained in its organic statute, in Subtitle 27 of
4 this Code adopted by the Prince George's County Council sitting as the District Council for that
5 part of the Maryland-Washington Regional District in the County, as the same may from time to
6 time be amended and in all laws having general application in the County under the public
7 general and public local laws of the State, as well as rules and regulations of Maryland State
8 departments or agencies.

9 * * * * *

10 (l) For a project participating in the Department of Permitting, Inspections, and
11 Enforcement Peer Review Program, every agency with responsibility relating to the approval of
12 the project's building and/or grading permits, which includes the Department of Permitting,
13 Inspections, and Enforcement, Prince George's County Department of Public Works and
14 Transportation, Prince George's County Health Department, Prince George's County Fire
15 Department, Maryland-National Capital Park and Planning Commission, Washington Suburban
16 Sanitary Commission and Prince George's Soil Conservation District, shall exercise best efforts
17 to ensure the issuance of the building and/or grading permit(s) for the project within fifteen (15)
18 business days of the project's participation in the Peer Review Program. The fifteen business
19 day time frame includes ten (10) business days for the first review cycle and five (5) business
20 days for the second review cycle of every agency involved in the review process as required.
21 This time frame does not include the time required for the design professional and permittee to
22 respond to and address permit plan comments.

23 SECTION 2. BE IT FURTHER ENACTED that the full costs of a project's enrollment in
24 the Department of Permitting, Inspections, and Enforcement's Peer Review Program shall be
25 borne by the applicant (or the applicant's authorized representative) for the project's building
26 and/or grading permit(s).

27 SECTION 3. BE IT FURTHER ENACTED that the Director of the Department of
28 Permitting, Inspections, and Enforcement is authorized to adopt and enforce regulations to
29 implement this Act.

1 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
2 calendar days after it becomes law.

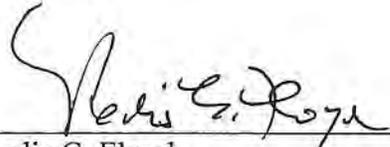
Adopted this 10th day of November, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: 

Mel Franklin
Chairman

ATTEST:



Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: 11-19-2015 BY: 

Rushern L. Baker, III
County Executive

Prince George's County Council Agenda Item Summary

Meeting Date: 11/10/2015
Reference No.: CB-084-2015
Draft No.: 2
Proposer(s): Franklin, Davis
Sponsor(s): Franklin, Davis, Toles, Turner
Item Title: AN ACT concerning Building and Grading Permits for the purpose of establishing a fifteen-business-day goal as to the issuance of building and grading permits for projects enrolled in the Department of Permitting, Inspections and Enforcement's Peer Review Program, subject to certain conditions.

Drafter: Kathleen H. Canning, Legislative Officer
Resource Personnel: Brendon L. Laster, Chief of Staff District 9

LEGISLATIVE HISTORY:

| | | | |
|----------------------------|--|--------------------------|--------------|
| Date Presented: | 9/22/2015 | Executive Action: | 11/19/2015 S |
| Committee Referral: | 9/22/2015 - PZED | Effective Date: | 1/4/2016 |
| Committee Action: | 10/7/2015 - FAV(A) | | |
| Date Introduced: | 10/13/2015 | | |
| Public Hearing: | 11/10/2015 - 11:00 AM | | |
| Council Action (1) | 11/10/2015 - ENACTED | | |
| Council Votes: | DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:A, DT:A, KT:A, TT:A | | |
| Pass/Fail: | P | | |
| Remarks: | | | |

AFFECTED CODE SECTIONS:

04-345

COMMITTEE REPORTS:

Planning, Zoning and Economic Development

Date 10/7/2015

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Harrison, Davis, Glaros, Taveras and Toles)

Council staff gave an overview of the legislation. CB-84-2015 amends the Building Code concerning building and grading permits for projects enrolled in the Department of Permitting, Inspections and Enforcement's (DPIE) Peer Review Program. Council Chairman Franklin informed the committee that the legislation codifies the procedure that DPIE follows. The Peer Review Program lightens the burden on permit review staff and streamlines the process for economic development projects in the County.

The committee reviewed a Proposed Draft 2 (DR-2). The amendments in Proposed DR-2 include changing the 21 calendar day goal to a 15 business day goal for issuance of building and grading permits for Peer Review projects. Proposed DR-2 also lists the agencies with responsibility relating to the approval of the permits for projects

enrolled in the Peer Review Program. Additionally, Proposed DR-2 clarifies what is included in the 15 business day time frame review cycle.

Nathaniel Tutt, representing the County Executive, informed the committee of the Administration's opposition to CB-84-2015 because the bill codifies best efforts for agencies that are not within County governance.

James Estep and Harold Johnson testified in support of the legislation. The committee voted favorable including the amendments in Proposed DR-2.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This bill establishes a 21 calendar day goal for the issuance of building and grading permits for projects enrolled in the Department of Permitting, Inspections and Enforcement's (DPIE) Peer Review Program. The Director of DPIE is authorized to adopt and enforce regulations to implement this Act. DPIE is required to report on a semiannual basis to the County Executive and the County Council on the building and/or grading projects in its Peer Review Program.

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-34-2015

Chapter No. 67

Proposed and Presented by Council Members Turner, Glaros, Harrison, Lehman,
Taveras and Toles

Introduced by Council Members Turner, Glaros, Harrison, Lehman,
Taveras and Toles

Date of Introduction October 20, 2015

BILL

1 AN ACT concerning

2 Electronic Cigarette Regulation

3 For the purpose of defining electronic cigarettes, regulating distribution, placement and
4 packaging of electronic cigarettes, and restricting smoking of electronic cigarettes inside of
5 public housing, senior citizen housing, and eating and drinking establishments.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 12. HEALTH.

8 Sections 12-201, 12-202, 12-203

9 The Prince George's County Code

10 (2011 Edition; 2014 Supplement).

11 BY adding:

12 SUBTITLE 12. HEALTH.

13 Section 12-204.01

14 The Prince George's County Code

15 (2011 Edition; 2014 Supplement).

16 BY repealing and reenacting with amendments:

17 SUBTITLE 19. POLLUTION.

18 Sections 19-130, 19-131, 19-135, 19-136

19 The Prince George's County Code

20 (2011 Edition; 2014 Supplement).

1 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
2 Maryland, that Sections 12-201, 12-202 and 12-203 of the Prince George's County Code be and
3 the same are hereby repealed and reenacted with the following amendments:

4 **SUBTITLE 12. HEALTH.**

5 **DIVISION 9. ENVIRONMENTAL HEALTH**

6 **Sec. 12-201. Definitions.**

7 (a) In this Division the following words have the meanings indicated.

8 * * * * *

9 (2) Electronic cigarette means any electronic device that can be used to deliver
10 nicotine or other substance to the person inhaling from the device, including, but not limited to,
11 an electronic cigarette, cigar, cigarillo, or pipe, or any cartridge or other component of the device
12 or related product. Electronic cigarette does not include any product approved by the Food and
13 Drug Administration for sale as a drug delivery or medical device.

14 (3)[(2)]**Employee** means an individual employed by an owner.

15 (4)[(3)]**Minor** means an individual under the age of eighteen (18).

16 (5)[(4)]**Owner** means a person engaged in the business of selling or otherwise
17 distributing tobacco products or electronic cigarettes for commercial purposes.

18 (6)[(5)]**Tobacco product** means any substance containing tobacco, including
19 cigarettes, cigars, smoking tobacco, snuff, or smokeless tobacco.

20 (7)[(6)]**Unpackaged cigarettes** means any cigarette not contained within a sealed
21 original package of at least twenty (20) cigarettes that are designed and intended to be sold or
22 distributed as a unit.

23 **SUBTITLE 12. HEALTH.**

24 **DIVISION 9. ENVIRONMENTAL HEALTH**

25 **Sec. 12-202. Unlawful distribution.**

26 (a) An owner or an employee shall not:

27 (1) Distribute any tobacco product or electronic cigarette to a minor, unless the minor
28 is acting solely as the agent of the minor's employer who is engaged in the business of
29 distributing tobacco products or electronic cigarette;

30 (2) Distribute cigarette rolling papers to a minor; or

31 (3) Distribute to a minor a coupon redeemable for tobacco products or electronic

1 cigarette.

2 (b) A person, who is not an owner, shall not:

3 (1) Buy for or sell to a minor any tobacco product or electronic cigarette; or

4 (2) Buy for or sell to a minor cigarette rolling papers.

5 (c) This Section does not apply to the distribution of a coupon which is redeemable for any
6 tobacco product or electronic cigarette when the coupon is contained in a newspaper, a
7 magazine, or any other type of publication in which the coupon is incidental to the primary
8 purpose of the publication, or sent through the mail.

9 (d) A person has not violated this Section if:

10 (1) The person examined a driver's license or another valid identification issued by an
11 employer, a governmental entity, or an institution of higher education; and

12 (2) The license or other identification identified the buyer or recipient of a tobacco
13 product or electronic cigarette as being at least 18 years old.

14 (e) If a minor bought a tobacco product from a vending machine, this Section does not
15 apply to the owner of the vending machine or any other person with control over the vending
16 machine.

17 **SUBTITLE 12. HEALTH.**

18 **DIVISION 9. ENVIRONMENTAL HEALTH**

19 **Sec. 12-203. Placement of tobacco products and electronic cigarettes.**

20 (a) An owner shall display or store the tobacco product or electronic cigarette in a manner
21 which by the design demonstrates the owner's intent that the tobacco product or electronic
22 cigarette is inaccessible to the buyer without the intervention of the owner or the owner's agent.
23 Designs that demonstrate an intent that the tobacco product or electronic cigarette is inaccessible
24 to the buyer without the intervention of the owner or the owner's agent shall include storing or
25 displaying the tobacco product or electronic cigarette as follows:

26 (1) Behind the sales counter in a manner which places the tobacco product or
27 electronic cigarette beyond the physical reach of the buyer in the absence of extraordinary
28 extension beyond the sales counter; or

29 (2) In a display case which requires seller assistance to gain access to the tobacco
30 product or electronic cigarette contained therein; or

1 (3) In an overhead merchandising rack that is mounted more than six feet above the
2 floor at the lowest point and from which access to the tobacco product or electronic cigarette is
3 provided only on the side facing away from the buyer; or

4 (4) In any place that is inaccessible to buyers of the tobacco product or electronic
5 cigarette without the intervention of the owner or the owner's agent.

6 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
7 Maryland, that Section 12-204.01 of the Prince George's County Code be and the same is hereby
8 added:

9 **SUBTITLE 12. HEALTH.**

10 **DIVISION 9. ENVIRONMENTAL HEALTH**

11 **Sec. 12-204.01. Child Resistant Packaging of Liquid Nicotine Container Required.**

12 (a) Definitions. In this Section the following words have the meanings indicated:

13 (1) Child resistant packaging means packaging that is designed or constructed
14 to meet the child-resistant effectiveness standards set forth in 16 C.F.R. § 1700.15(b)(1)
15 when tested in accordance with the protocols described in 16 C.F.R. § 1700.20 as in
16 effect on the date of enactment.

17 (2) Liquid nicotine container means a container that is used to hold liquid
18 containing nicotine in any concentration.

19 (b) Child resistant packaging required. No person shall sell, resell, distribute,
20 dispense or give away:

21 (1) any liquid or gel substance containing nicotine unless the substance is in
22 child resistant packaging; or

23 (2) any nicotine liquid container unless the container constitutes child
24 resistant packaging.

25 (c) Exceptions. This section does not apply to a liquid nicotine container that is
26 sold, marketed, or intended for use in an electronic cigarette if the container is prefilled
27 and sealed by the manufacturer and not intended to be opened by the consumer.

28 SECTION 3. BE IT ENACTED by the County Council of Prince George's County,
29 Maryland, that Sections 19-130, 19-131, 19-135 and 19-136 of the Prince George's County Code
30 be and the same are hereby repealed and reenacted with the following amendments:

31 **SUBTITLE 19. POLLUTION.**

DIVISION 3. SMOKING IN EATING AND DRINKING ESTABLISHMENTS.

Sec. 19-130. Definitions.

(a) Eating and drinking establishment shall mean any business for which a use and occupancy permit is required or has been obtained for a food or drinking establishment pursuant to Subtitles 4 and 27.

(b) Person shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

(c) Smoking or to smoke shall mean the act of smoking or carrying a lighted or smoldering cigar, cigarette, cigarillo, or pipe or lighting a cigar, cigarette, cigarillo, or pipe of any kind.

(d) Electronic cigarette shall mean any electronic device that can be used to deliver nicotine or other substance to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe, or any cartridge or other component of the device or related product.

SUBTITLE 19. POLLUTION.

DIVISION 3. SMOKING IN EATING AND DRINKING ESTABLISHMENTS.

Sec. 19-131. Smoking prohibited.

(a) It shall be unlawful for any person to smoke or use an electronic cigarette in any eating and drinking establishment open to the public except as provided in (b) below.

(b) Smoking is not prohibited by this Section in the bar and dining area of an eating and drinking establishment that:

(1) (A) Is a club as defined in the State alcoholic beverages law;

(B) Has an alcoholic beverages license issued to private clubs under the State alcoholic beverages law; and

(C) Allows consumption of alcoholic beverages on its premises; or

(2) Is licensed pursuant to Section 6-201(r)(13) of the State alcoholic beverages law.

(c) Use of an electronic cigarette is not prohibited by this section in a facility that has been awarded a video lottery operation license by the Maryland Video Lottery Location Commission under State Government Article, Title 9, Subtitle 1A.

SUBTITLE 19. POLLUTION.

DIVISION 4. SMOKING IN PUBLIC HOUSING AND SENIOR CITIZEN HOUSING.

Sec. 19-135. Definitions.

(a) Public Housing shall mean any housing in Prince George’s County that is:

(1) under the jurisdiction of the Housing Authority of Prince George’s County as a public housing authority as designated by HUD.

(b) Senior Citizen Housing shall mean any congregate housing that:

(1) provides housing under a landlord-tenant arrangement; and

(2) is specifically designed to meet the physical or social needs of elderly individuals;

and;

(3) is under the jurisdiction of the Housing Authority of Prince George’s County as a

public housing authority as designated by HUD.

(c) Smoking or to smoke shall mean the act of smoking or carrying a lighted or smoldering cigar, cigarette, cigarillo, or pipe or lighting a cigar, cigarette, cigarillo, or pipe of any kind.

(d) Electronic cigarette shall mean any electronic device that can be used to deliver nicotine or other substance to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe, or any cartridge or other component of the device or related product.

SUBTITLE 19. POLLUTION.

DIVISION 4. SMOKING IN PUBLIC HOUSING AND SENIOR CITIZEN HOUSING.

Sec. 19-136. Smoking prohibited.

(a) It shall be unlawful for any person to smoke or use an electronic cigarette on the inside of any public housing or senior citizen housing.

(b) Smoking is not prohibited by this Section in a private home or apartment whose inhabitants:

(1) Participate in the Prince George’s County Department of Housing and Community Development HOME Investment Partnerships Program (“HOME Program”); or

(2) Participate in the Section 8 Housing Choice Voucher program.

* * * * *

SECTION 4. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such

1 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.
2 SECTION 5. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
3 calendar days after it becomes law.

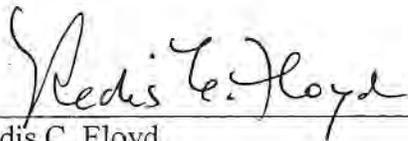
Adopted this 17th day of November, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND



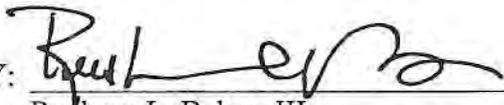
BY: _____
Mel Franklin
Chairman

ATTEST:



Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: November 25, 2015 BY:  _____
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

Prince George's County Council Agenda Item Summary

Meeting Date: 11/17/2015
Reference No.: CB-034-2015
Draft No.: 2
Proposer(s): Turner, Glaros, Harrison, Lehman, Taveras, Toles
Sponsor(s): Turner, Glaros, Harrison, Lehman, Taveras, Toles
Item Title: An Act defining electronic cigarettes, regulating distribution, placement and packaging of electronic cigarettes, and restricting smoking of electronic cigarettes inside of public housing, senior citizen housing, and eating and drinking establishments.

Drafter: Leroy D. Maddox, Jr., Legislative Officer
Resource Personnel: Tomeka C. Bumbry, Chief of Staff

LEGISLATIVE HISTORY:

| | |
|--|---------------------------------------|
| Date Presented: 6/2/2015 | Executive Action: 11/25/2015 S |
| Committee Referral: 6/2/2015 - HEHS | Effective Date: 1/11/2016 |

Committee Action: 7/9/2015 - HELD
10/8/2015 - FAV(A)

Date Introduced: 10/20/2015
Public Hearing: 11/17/2015 - 10:00 AM

Council Action (1) 11/17/2015 - ENACTED
Council Votes: DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:N, DT:A, KT:A, TT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

12-201, 12-202, 12-203, 12-204.01, 19-130, 19-135

COMMITTEE REPORTS:

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE

Date 10/8/2015

Committee Vote: Favorable as Amended 4-0-1 (In favor: Council Members Toles, Davis, Franklin, Glaros; Abstain: Patterson)

Staff provided an overview of the legislation indicating that CB-34-2015 was previously held in committee on July 9, 2015. The Health Officer spoke in support of CB-34-2015 indicating that there would not be a fiscal impact and would purchase items with their undercover agent. The Director of Housing and Community Development spoke in support of the bill indicating that their Public Housing "No Smoking Policy" would be amended to include e-cigarettes.

A representative from the University Of Maryland School Of Law spoke in support of CB-34-2015 providing additional information and responses to the Committee questions.

A Maryland Group Against Smoker's Pollution (MDGASP) representative spoke in support of the legislation and

suggested the following proposed amendments which were favorable voted on by the committee members:

On page 3, Sec. 12-202., line 13, (e), the following language was deleted “or electronic cigarettes.” Sec. 12-202. (e) provides exception to sales through vending machines. By omitting this language; electronic cigarettes will not be subject to the exception of Sec. 12-202. The University of Maryland representative indicated that County and municipal governments cannot address vending machines; it’s controlled and enforced by the State.

The following language was added on Page 2, Sec. 12-201., Line 12, (2), “E-cigarette does not include any product approved by the Food and Drug Administration for sale as a drug delivery or medical device.”

A Council Member offered the proposed amendment to be added on page 5, Sec. 19-131., after line 23: (c) “use of an electronic cigarette is not prohibited by this section in a facility that has been awarded a video lottery operation license by the Maryland Video Lottery Location Commission under State Government Article, Title 9, and Subtitle 1A. The Committee supported this amendment.

It was suggested that the word “work places” should be included in the first paragraph defining the ACT. However, “work place” is governed by the State law; “any indoor area open to the public.”

The American Cancer Society Cancer Action Network, Inc. provided written comments in support with amendments of CB-34-2015. Further stating that their amendments will strengthen the bill by expanding the definition of tobacco products to include e-cigarettes, expand and clarify the definition of smoking, and eliminate outdated language.

The question was raised regarding the surrounding jurisdiction’s casinos policy on e-cigarettes. The University of Maryland School of Law representative indicated that e-cigarette use is prohibited in 3 of the 5 existing casinos; including the largest revenue producer, Maryland Live.

Held in Committee

Staff summarized the purpose of the legislation and written referral comments that were received. This legislation seeks to define electronic cigarettes, regulate distribution, placement, and packaging of electronic cigarettes, and restrict smoking of electronic cigarettes within eating and drinking establishments, public housing, and senior citizen housing as defined in the County Code.

The sponsor of the legislation informed the committee that this legislation attempts to address issues involving electronic cigarettes indicating that similar legislation (CB-91-103) passed out of committee but was held pending the result of the Food and Drug Administration Electronic Cigarettes Research/University of Maryland Tobacco Center of Regulatory Science. The sponsor also noted that Montgomery County recently passed similar legislation.

The Health Officer indicated that the State failed to pass a bill including E-cigarettes in the “Clean Air Act.” In 2012, the Maryland General Assembly enacted a new statute prohibiting the sale of “electronic nicotine devices” to minors. During this past session, the State added language to replace existing criminal penalties with a civil fine.

The Health Officer further indicated that their agency’s Tobacco Enforcement Program has been restored and focuses on the selling of tobacco products (establishments licensed to sell tobacco) and selling to minors. The tobacco officer currently works with two (2) decoys.

A representative from the University of Maryland indicated that Prince George’s County is not preempted by State or Federal Law from regulating the Sale and Use of Electronic cigarettes. He further indicated that Baltimore City and Montgomery County have enacted ordinances similar to CB-34-2015 and neither has been subject to challenge.

The representative further stated that the FDA issued a proposed regulation that would classify electronic cigarettes as tobacco products and subject these devices to FDA tobacco sales restrictions. However, the proposed federal rule has not been finalized and does not have the force of the law.

A representative from Maryland Group Against Smoker's Pollution (MDGASP) spoke in support of CB-34-2015 on behalf of the more than 250 members who reside in Prince George's County. The representative spoke about the product being manufactured by over 250 companies and is unregulated and that the opposition will probably request an exemption for bars and restaurants as long as these places display signs saying vaping is permitted. The representative urged the Council to not support such requests and to support CB-34-2015 as presented.

The Office of Audits and Investigations determined that enactment of CB-34-2015 should not have an adverse fiscal impact on the County since smoking has been previously deemed unlawful with the aforementioned locations. The proposed bill simply adds the smoking, or vaping, or electronic cigarettes as an additional unlawful activity.

CB-34-2015 was held in committee for further consideration of proposed amendments.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

The need to address issues involving electronic cigarettes.

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-63-2015

Chapter No. 69

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Members Franklin and Turner

Co-Sponsors _____

Date of Introduction October 20, 2015

BILL

1 AN ACT concerning

2 The Classification Plan for Prince George’s County

3 For the purpose of adding a class title and grade for a certain class of work and upgrading
4 existing classes of work.

5 WHEREAS, the County Executive, pursuant to Section 903 of the Prince George’s County
6 Charter and Section 16-125(a) of Subtitle 16 of the Prince George’s County Code, has, in order
7 to provide better governmental services, recommended to the County Council amendments to the
8 Classification Plan for Prince George’s County with respect to certain classes of work described
9 within Section 1 of this Bill; now, therefore,

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
11 Maryland, that the Classification Plan for Prince George’s County, Maryland be and the same is
12 hereby amended as follows:

13 2541G Public Information Officer I.
14 G18 (\$39,938 - \$77,704)

15
16 2542G Public Information Officer II.
17 G21 (\$46,233 - \$89,950)

18
19 2543G Public Information Officer III.
20 G24 (\$53,521 - \$104,129)

| | |
|---|---|
| <p>1 [3399P Emergency Dispatch Aide, 2 P14] [(\$32,809 – \$68,262)] 3 4 [3398P Emergency Dispatch Aide, 5 Senior, P15] [(\$34,450 - \$71,675)] 6 7 8 9 10 [3400P Emergency Dispatcher I, 11 P16] [(\$36,173 - \$75,259)] 12 13 [3401P Emergency Dispatcher II, 14 P18] [(\$39,880 - \$82,973)] 15 16 [3402P Emergency Dispatcher III, 17 P20] [(\$43,968 - \$91,477)] 18 19 [3403P Emergency Dispatcher IV, 20 P22] [(\$48,475 - \$100,854)] 21 22 23 24 25</p> | <p><u>3399P Public Safety Emergency Call Taker I,</u> <u>P14 (\$32,809 – \$68,262)</u></p> <p><u>3398P Public Safety Emergency Call Taker II,</u> <u>P15 (\$34,450 - \$71,675)</u></p> <p><u>3308P Public Safety Emergency Call Taker III,</u> <u>G20 (\$44,031 - \$85,667)</u></p> <p><u>3400P Public Safety Emergency Dispatcher I,</u> <u>P16 (\$36,173 - \$75,259)</u></p> <p><u>3401P Public Safety Emergency Dispatcher II,</u> <u>P18 (\$39,880 - \$82,973)</u></p> <p><u>3402P Public Safety Emergency Dispatcher III,</u> <u>P20 (\$43,968 - \$91,477)</u></p> <p><u>3403P Public Safety Emergency Shift</u> <u>Supervisor,</u> <u>P22 (\$48,475 - \$100,854)</u></p> <p><u>3409G Public Safety Communications</u> <u>Operations Supervisor,</u> <u>G24 (\$53,521 - \$104,129)</u></p> |
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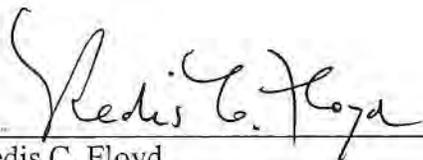
1 SECTION 2. BE IT FURTHER ENACTED this Act shall take effect forty-five (45)
2 calendar days after it becomes law.

Adopted this 17th day of November, 2015.

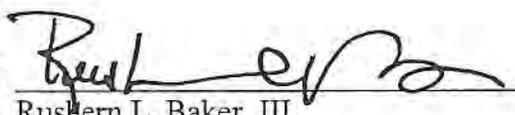
COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: 
Mel Franklin
Chairman

ATTEST:


Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: November 25, 2015 BY: 
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

Prince George's County Council Agenda Item Summary

Meeting Date: 11/17/2015
Reference No.: CB-063-2015
Draft No.: 1
Proposer(s): County Executive
Sponsor(s): Franklin, Turner
Item Title: An Act amending Prince George's County's Classification Plan to add the Public Information Officer class series and to amend the Emergency Dispatch Aide and Emergency Dispatcher class series

Drafter: Valerie A. Farrar, Office of Human Resources Management
Resource Personnel: Stephanye R. Maxwell, Office of Human Resources Management

LEGISLATIVE HISTORY:

| | | | |
|----------------------------|-----------------|--------------------------|--------------|
| Date Presented: | 9/9/2015 | Executive Action: | 11/25/2015 S |
| Committee Referral: | 9/9/2015 - PSFM | Effective Date: | 1/11/2016 |

Committee Action: 10/7/2015 - FAV

Date Introduced: 10/20/2015
Public Hearing: 11/17/2015 - 10:00 AM

Council Action (1) 11/17/2015 - ENACTED
Council Votes: DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:A, DT:A, KT:-, TT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

COMMITTEE REPORTS:

Public Safety and Fiscal Management

Date 10/7/2015

Committee Vote: Favorable 4-0 (In Favor: Council Members Harrison, Lehman, Taveras and Turner)

CB-63-2015 as proposed will amend the Emergency Dispatch Aide and Emergency Dispatcher class series in the County's Classification Plan. This includes adding a supervisor level to the Emergency Dispatch Aide (Public Safety Emergency Call Taker class series) and a Public Safety Communications Operations Supervisor class series, as deemed necessary based on the results of an agency audit conducted by the Office of Human Resources Management. The bill also seeks to create a Public Information Officer class series to accommodate a growing need within the County, and to reduce the use of the Administrative Assistant class of work.

The Office of Law has reviewed this legislation and finds it to be in proper legislative form with no legal impediments to its enactment.

The Office of Audits and Investigations finds that enactment of CB-75-2015 will have a negative fiscal impact on the County as a result of the modification made to the Emergency Dispatch Aide classification of work. The estimated

fiscal impact is \$62,616 on the County's General Fund.

After discussion, the PSFM Committee voted 4-0 favorably on the bill.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This Bill is submitted pursuant to Section 903 of Article IX of the Prince George's County Charter and Section 16-125(a) of the Prince George's County Code. It proposes to add the Public Information Officer class series and amend the Emergency Dispatch Aide and Emergency Dispatcher class series.

A classification study was conducted which revealed the following amendments and additions needed to be made to the Classification Plan: (1) the Emergency Dispatch Aide and Emergency Dispatcher class series should be amended to include relevant duties, certifications, and changes in class title to best reflect the class of work; (2) a supervisor level needs to be added to the Emergency Dispatch Aide class series (Public Safety Emergency Call Taker III); and (3) a Public Information Officer class series needs to be added to the County's Classification Plan to accommodate a growing need within the County, and to reduce the use of the Administrative Assistant class of work.

The proposed legislation implements these changes. The fiscal impact will be provided by the Office of Management and Budget.

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-85-2015

Chapter No. 76

Proposed and Presented by Council Members Franklin and Taveras

Introduced by Council Members Franklin, Taveras, Turner, Lehman, Harrison, Davis,
Glaros and Patterson

Date of Introduction October, 20, 2015

BILL

1 AN ACT concerning

2 Illegal Rental Property

3 For the purpose of increasing the penalty for conducting or operating a single-family or multi-
4 family rental facility without a license.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 13. HOUSING AND PROPERTY

7 STANDARDS.

8 Sections 13-186 and 13-189

9 The Prince George's County Code

10 (2011 Edition; 2014 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, that Sections 13-186 and 13-189 of the Prince George's County Code be and the same
13 are hereby repealed and reenacted with the following amendments:

14 **SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.**

15 **DIVISION 4. RENTAL HOUSING.**

16 **Sec. 13-186. Termination of license on change of ownership; procedures for a new license;**
17 **penalties for failure to apply; term of license.**

18 (a) A license issued under this Division is not transferable and terminates upon change of
19 ownership.

20 (b) The purchaser of a licensed single-family or multifamily rental facility may
21 conduct/operate the property provided an application for a new license is applied for within 30

1 days following settlement. [submitted to the Director prior to actual change of ownership or
2 control of the property or its assets. In addition to other required information, a purchaser's
3 application for a license must be accompanied by a certification of the date transfer is to take
4 place.]

5 (c) If a purchaser fails to apply for a new license as required in Subsection (b) of this
6 Section, a [late fee of an additional twenty percent (20%) of the prorated licensing fee due]
7 penalty of up to one thousand dollars (\$1,000) for each month, or portion thereof, the single-
8 family or multifamily rental facility was operated and/or occupied without a valid license will be
9 assessed.

10 (d) The term for a new license shall begin on the date the application with appropriate fee
11 was received by the Director.

12 (e) The term for the initial single-family rental facility license shall begin on the date the
13 license was issued by the Director.

14 **Sec. 13-189. Schedule of fees; refunds; review of fees.**

15 (a) At the time of application for the initial license or for license renewal for a multifamily
16 rental facility for each dwelling unit, and a single-family rental facility for each dwelling unit
17 shall be collected per the fee prescribed in the Table of Fees. The license shall be for a two (2)
18 year period.

19 (1) The above license and inspection fees shall be tendered with the application for
20 the first issuance of a license and thereafter on or before the date for license renewal. The
21 license fee shall be subject to a [twenty percent (20%)] penalty of up to one thousand dollar
22 (\$1,000) per month, or any portion thereof, beyond the date due and payable. The Director shall
23 have the authority to grant exceptions to or to mitigate the penalty upon a showing by the
24 licensee or applicant of good cause for untimely payment.

25 (b) Except as provided for the transfer of license, no refunds of license and inspection fees
26 shall be made to those discontinuing operation or who sell, transfer, give away, or otherwise
27 dispose of a licensed building to another person. In the event it is determined by the Director
28 that an application shall be denied due to legal restrictions that prohibit the issuance of the
29 license, the applicant's tendered fees will be returned.

30 (c) The schedule of fees shall be subject to review and revision periodically as experience
31 dictates to insure that the fees are equitable and in line with costs of administration of this

1 Division. The fees for single-family rental facilities shall only be amended by Council
2 Resolution.

3 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
4 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
5 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
6 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
7 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
8 Act, since the same would have been enacted without the incorporation in this Act of any such
9 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
10 or section.

11 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
12 calendar days after it becomes law.

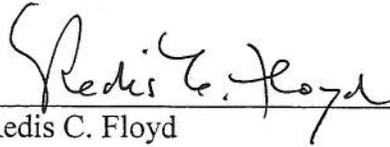
Adopted this 17th day of November, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: 

Mel Franklin
Chairman

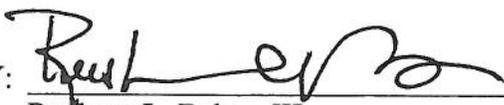
ATTEST:



Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: November 25, 2015

BY: 

Rushern L. Baker, III
County Executive

Prince George's County Council Agenda Item Summary

Meeting Date: 11/17/2015
Reference No.: CB-085-2015
Draft No.: 2
Proposer(s): Franklin, Taveras
Sponsor(s): Franklin, Taveras, Turner, Harrison, Davis, Glaros, Patterson
Item Title: An Act concerning Illegal Rental Property for the purpose prohibiting a new owner from operating a property without a valid license; providing for a penalty for rental property owners who operate property without a valid license, and generally relating to rental property licensing.

Drafter: Kathleen H. Canning, Legislative Officer
Resource Personnel: Brendon L. Laster, Chief of Staff

LEGISLATIVE HISTORY:

| | | | |
|----------------------------|-----------------|--------------------------|--------------|
| Date Presented: | 9/22/2015 | Executive Action: | 11/25/2015 S |
| Committee Referral: | 9/22/2015 - THE | Effective Date: | 1/11/2016 |

Committee Action: 10/15/2015 - FAV(A)

Date Introduced: 10/20/2015
Public Hearing: 11/17/2015 - 10:00 AM

Council Action (1) 11/17/2015 - ENACTED
Council Votes: DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:A, DT:A, KT:A, TT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

13-186

COMMITTEE REPORTS:

Transportation, Housing and Environment

Date 10/15/2015

Committee Vote: Favorable with Amendments, 5-0 (In favor: Council Members Lehman, Turner, Taveras, Franklin and Glaros)

Staff provided a summary of the resolution and referral comments that were received. CB-85-2015, concerns Illegal Rental Property for the purpose prohibiting a new owner from operating a property without a valid license; providing for a penalty for rental property owners who operate property without a valid license, and generally relating to rental property licensing.

Susan Hubbard, Prince Georges County, Department of Permits, Inspections and Enforcement, and Mike Graziano with the Prince Georges County Realtors Association provided additional information and answered questions in committee.

Amendments are as follows:

1. On page 1, line 21; after “for a new license is”, insert applied for within 30 days following settlement,
2. On page 2, line 1-4; delete [submitted to the Director prior to actual change of ownership or control of the property or its assets. In addition to other required information, a purchaser's application for a license must be accompanied by a certification of the date transfer is to take place.]
3. On page 2, line 6-7; delete [late fee of an additional twenty percent (20%) of the prorated licensing fee due]
4. On page 2, line 7; insert penalty of up to one thousand dollars (\$1,000), after “Subsection (b) of this Section”
5. On page 2, line 21; delete [twenty percent (20%)]
6. On page 2, line 21-22; insert of up to one thousand dollar (\$1,000), after the word “penalty”

October 1st, 2015

Staff provided a summary of the resolution and referral comments that were received. Susan Hubbard, Prince Georges County, Department of Permits, Inspections and Enforcement, Martin Harris, Prince Georges County, Department of Public Works and Transportation, and Mike Graziano with the Prince Georges County Realtors Association provided additional information and answered questions in committee.

The Office of Law determined that CB-85-2015 was in proper legislative form and without legal impediments to its adoption.

The Office of Audits and Investigation indicated there will be a fiscal impact on the County as a result of adopting CB-85-2015. However, an accurate approximation of the fiscal impact on the County cannot be determined at this time.

Staff provided a summary of the resolution and referral comments that were received. CB-85-2015, concerns Illegal Rental Property for the purpose prohibiting a new owner from operating a property without a valid license; providing for a penalty for rental property owners who operate property without a valid license, and generally relating to rental property licensing.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This bill is regarding illegal rental property. This bill prohibits a new owner from operating a property without a valid license. The penalty for rental property owners who operate property without a valid license is \$1,000 for each month or portion of a month.

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-89-2015

Chapter No. 78

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Members Toles, Franklin and Taveras

Co-Sponsors _____

Date of Introduction October 20, 2015

BILL

1 AN ACT concerning

2 Food Service Facilities

3 For the purpose of amending certain definitions and enforcement procedures for food service
4 facilities to comply with recent changes to the Code of Maryland Regulations 10.15.03 and
5 generally relating to food service facilities and food service manager certifications.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 12. HEALTH.

8 Sections 12-104, 12-105, 12.105.01, 12-106, 12-107,
9 12-108, 12-111, 12-111.01, 12-112, 12-113, 12-114,
10 and 12-115

11 The Prince George's County Code
12 (2011 Edition; 2014 Supplement).

13 BY adding:

14 SUBTITLE 12. HEALTH.

15 Sections 12-114.01, 12-114.02, and 12-115.01

16 The Prince George's County Code
17 (2011 Edition; 2014 Supplement).

18 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
19 Maryland, that Sections 12-104, 12-105, 12.105.01, 12-106, 12-107, 12-108, 12-111, 12-111.01,
20 12-112, 12-113, 12-114, and 12-115 of the Prince George's County Code be and the same are
21 hereby repealed and reenacted with the following amendments:

SUBTITLE 12. HEALTH.

DIVISION 2. FOOD SERVICE FACILITIES.

SUBDIVISION 2. COUNTY ADDITIONS, INSERTIONS, AND CHANGES TO THE STATE REGULATIONS.

Sec. 12-104. Definitions.

(a) In addition to the definition of terms contained in the State regulations adopted by reference in this Division, the following definitions and terminology shall apply and are applicable to such provisions adopted by reference:

* * * * *

(2.1) Catering Service shall mean the preparation or provision and the serving of food and drink at the provider's premises or elsewhere where a prearranged amount of food is provided with or without charge for a group's event or function; an individual is not charged for a single portion of food. The provider's premises must be a licensed commercial facility.

[2.1] (2.2) Certified food service manager shall mean a person in a supervisory capacity who has obtained training in food sanitation or has otherwise demonstrated knowledge of good food handling practices, and has obtained the certification document issued by the Department.

(2.3) Chronic Offender shall mean any person who operates a food service facility or who manages a shopping center containing two (2) or more food service facilities, and who demonstrates a pattern of violating regulations, being evidenced by:

(A) On two (2) or more occasions within a twelve (12) month period, suspension of the food service facility permit pursuant to Section 12-111 of this Subdivision; and/or

(B) Notices of proven violations of regulations under this Division which do not result in a permit suspension, all rights of appeal having been exhausted; or

(C) On two (2) or more occasions within a twelve (12) month period, the Health Officer requires a compliance hearing.

* * * * *

(4) Depot shall mean a food service facility permitted by the Department or other regulatory agency sanctioned by the approving authority which provides one or more of the following services to mobile special food service facilities on a routine basis: food, food preparation or storage, utensil wash facilities, potable water, or waste disposal facilities.

1 * * * * *

2 (7) **Food service facility** shall mean any place in Prince George's County, except

3 those establishments that are on non-leased federally owned property which are operated and

4 inspected by the Federal Government in which food or drink products are manufactured,

5 prepared, packed, handled, stored, sold, served, automatically vended, or distributed on a

6 temporary or permanent basis for consumption by the general public and shall include special

7 food service facilities and facilities which sell live and/or unprocessed seafood, but shall not be

8 construed to mean individual, private residences where, without charge, food or drink products

9 are prepared and consumed. Class B food service facilities are those which are open five (5) or

10 less days per week, serve potentially hazardous food, and are operated by volunteer fire

11 companies or bona fide nonprofit fraternal, civic, veterans, religious, or charitable organizations

12 in compliance with Internal Revenue Service (IRS) definitions and protocols.

13 * * * * *

14 (9) **Hazard analysis critical control point assessment** shall mean the prioritization

15 of a food service facility as defined in COMAR 10.15.03. [into one of the following categories:]

16 [(A) High priority -- facilities which are at high risk for a foodborne illness and

17 include facilities described by one or more of the following:]

18 [(i) Served food to which a foodborne disease outbreak was traced within

19 the five (5) years immediately before the priority assessment;]

20 [(ii) Serve groups of persons who are particularly susceptible to disease, for

21 example, very young, aged, hospitalized, or otherwise compromised;]

22 [(iii) Serve foods which have a history of being frequent vehicles of

23 foodborne disease;]

24 [(iv) Prepare potentially hazardous foods a day or more in advance of

25 serving;]

26 [(v) Utilize any combination of two or more preparation processes such as

27 cooking, hot-holding, cooling, or reheating over more than a four (4) hour period; or,]

28 [(B) Moderate priority -- facilities which are at moderate risk for a foodborne

29 illness and include facilities that:]

30 [(i) Serve foods which are occasionally implicated in foodborne disease

31 outbreaks; or]

1 [(ii) Prepare food which is served within four (4) hours of preparation; or,]
2 [(C) Low priority -- facilities which are at low risk for a foodborne disease
3 occurrence and include facilities that:]

- 4 [(i) Serve foods which have rarely been reported as vehicles of disease;]
- 5 [(ii) Serve commercially packaged food directly to the consumer or
6 customer; or]
- 7 [(iii) Handle or serve foods that are not potentially hazardous.]

8 * * * * * * * *

9 (11) Immediate Control shall mean being physically present and capable of
10 monitoring for food safety and apply corrective actions if necessary.

11 [11] (12) **Level B food service manager** shall mean [one] the certified food service
12 manager of a non-profit food service facility who receives the abbreviated food service manager
13 certification training offered by the Health Department.

14 [12] (13) **Mobile unit** shall mean a special food service facility which is a
15 mechanically, electrically, manually, or otherwise propelled vehicle that is relocated following
16 each day's operation to an approved depot or other location acceptable to the approving
17 authority.

18 * * * * * * * *

19 (14) Nonprofit shall mean a volunteer fire company or bona fide nonprofit fraternal,
20 civic, veterans, religious, or charitable organization as defined by the Internal Revenue Service.

21 [13] (15) **Operating from a fixed location for a temporary period** shall mean
22 operating a food service facility for not more than five (5) days at a fixed location for an event
23 such as a carnival, circus, fair or similar temporary event. The five (5) day period of time is
24 subject to variance at the discretion of the Health Officer. However, operating a food service
25 facility or a special food service facility intermittently at one (1) location and operating mobile
26 units as a food service facility or special food service facility relocating at different sites shall not
27 be construed as operating for a temporary period.

28 **Sec. 12-105. Frozen food regulation.**

29 (a) Any food service facility which retails or wholesales frozen food shall comply with the
30 provisions of this Section:

31 * * * * * * * *

1 (D) It shall be unlawful to offer thawed frozen food for sale, however labeled, in the case where
2 any part of the food has reached temperatures above[45] 41° F.

3 * * * * *

4 [(2) Sales of foods frozen on the premises. In the case of foods frozen on the
5 premises, such frozen food shall not be offered for sale unless the food service facility has
6 obtained a license to operate a frozen food processing plant as required by law.]

7 **Sec. 12-105.01. Food clusters; refuse disposal.**

8 In a food cluster, it shall be the responsibility of the shopping center management to
9 satisfactorily maintain and provide an approved means to dispose of refuse, provide effective
10 control measures for vermin, and to meet prescribed housekeeping requirements. The shopping
11 center management can be designated a chronic offender as defined in Section 12-104 and
12 subject to the fines set forth in Section 12-113 of this Division.

13 **Sec. 12-106. Toilet facilities.**

14 (a) Every food service facility shall be provided with adequate and conveniently located
15 toilet facilities for its employees. Two (2) or more [Separate] separate toilet rooms shall be
16 provided [for each sex] whenever both males and females are employed or when Subsection (e)
17 of this Section is applicable; provided, however, that one (1) toilet facility shall be adequate for
18 both male and female employees and customers in establishments having five (5) or fewer
19 employees on duty at any given time and, when applicable, seating is provided for ten (10) or
20 fewer customers.

21 * * * * *

22 (c) Such toilet facilities shall comply with the regulations of the State and of the local
23 Plumbing Code and shall be located within the permitted establishment except as otherwise
24 noted in this Section. Toilet facilities located off the premises of a food service facility which
25 has a gross floor area of five hundred (500) square feet or less shall be considered satisfactory,
26 provided that such toilet facilities [are located within the same building or structure, can be
27 reached by interior access only,] are not more than three hundred (300) feet away from the
28 facility, and are accessible during all hours of operation. Seasonal and [Temporary] temporary
29 special food service facilities shall have toilet facilities located within a reasonable distance and
30 be accessible during all hours of operation.

31 * * * * *

1 **Sec. 12-107. Applicability of Division; exclusions.**

2 (a) This Division shall not apply to [package liquor stores or service stations, selling
3 prepackaged snack food or drink, unless they handle potentially hazardous foods as defined in
4 the regulations adopted by this Division] facilities selling only prepackaged non-potentially
5 hazardous food or drink.

6 (b) There shall be no exposed or unsecured outside storage of food and food equipment.
7 Outdoor service venues such as patios, pool bars, bars, sidewalk operations, temporary events
8 shall provide sufficient protection of all food, food equipment and food service items to prevent
9 contamination at all times. [This Division shall apply to "excluded organizations" as defined by
10 COMAR 10.15.03.02B.20].

11 * * * * *

12 **Sec. 12-108. Food permits required.**

13 (a) It shall be unlawful for any person to operate a food service facility without a valid
14 permit issued by the Health Officer, provided that this permit requirement shall not apply to:

15 (1) [vending] Vending machine locations, licensed pursuant to [Section] Sections 12-
16 162 through 12-167 of this Subtitle, or operated solely for the sale of canned or bottled
17 beverages, or any commercially packaged food or drink which is not perishable, or to machines
18 commonly known as gumball machines, [; and provided further that this permit requirement shall
19 not apply to]

20 (2) [a] A fruit or vegetable stand where fresh, [nonprocessed] whole or uncut produce
21 is handled, displayed, and sold.

22 (3) Warehouses and food processing plants as defined in the Maryland State
23 Department of Health and Mental Hygiene Regulations Governing Food and Drink Processing
24 and Transportation as set out in COMAR 10.15.04.

25 (4) Warehouses and food processing plants that are federally regulated.

26 * * * * *

27 **Sec. 12-111. Closure; suspension of permit; fines.**

28 * * * * *

29 (c) Whenever a food service facility opens or remains open for business without a valid
30 permit, or after being ordered to close in accordance with the provisions of Subsection (a),
31 above, or while a valid permit has been suspended, any owner or operator of such food service

1 facility shall be punished by a fine not to exceed [Three Hundred Dollars (\$300.00)] One
 2 Thousand Dollars (\$1,000.00) a day. Each day such food service facility remains open for
 3 business shall constitute a separate offense pursuant to this Subsection.

4 * * * * *

5 **Sec. 12-111.01. Hearings.**

6 A fee of One Hundred Dollars (\$100.00) shall be charged for administrative/enforcement
 7 hearings held pursuant to this Division. The permit holder will not be obligated to pay the fee
 8 for the scheduled hearing if:

9 (1) [a] A request to cancel or reschedule is received at least twenty-four (24) hours in
 10 advance of the scheduled hearing, or;

11 (2) The hearing is required by this Department.

12 * * * * *

13 **Sec. 12-112. Inspections; access.**

14 * * * * *

15 (c) [Class I, III, and IV special] Mobile food service facilities shall be available for an
 16 annual inspection at the time and place designated by the Health Officer prior to licensure or re-
 17 licensure.

18 **Sec. 12-113. Chronic offenders; Fines.**

19 [(a) For the purposes of this Section, a "chronic offender" is defined as any person who
 20 operates a food service facility and who demonstrates a pattern of violating regulations, said
 21 pattern of violations being evidenced by:]

22 [(1) On two (2) or more occasions within a twelve (12) month period, suspension of
 23 the food service facility permit pursuant to Section 12-111 of this Subdivision and/or notices of
 24 proven violations of regulations under this Division which do not result in a permit suspension,
 25 all rights of appeal having been exhausted; or]

26 [(2) On two (2) or more occasions within a twelve (12) month period, the Health
 27 Officer requires a compliance hearing.]

28 [(b) For the purposes of this Section, an "offense" is defined as a permit suspension
 29 pursuant to Section 12-111 or a notice of proven violation of the regulations under this Division
 30 in excess of one (1) such permit suspension and/or notice of violation within a twelve (12) month
 31 period, or more than one (1) required compliance hearing within a twelve (12) month period.]

1 [(c)] A chronic offender of the provisions of this Code shall be subject to a civil fine not to
 2 exceed [Five Hundred Dollars (\$500.00)] One Thousand Hundred Dollars (\$1,000.00) for each
 3 separate offense.

4 **Sec. 12-114. Food Service Manager [Certification] Requirements.**

5 (a) [After October 1, 1993,] Except as provided in Subsection (b), no food service facility
 6 shall operate unless a minimum of one employee has a valid food service manager certificate or
 7 is enrolled in an approved course that will train the employee to be a certified food service
 8 manager.

9 (b) [After March 1, 1994,] [except] Except as provided for in Subsection (c), no food
 10 service facility shall operate unless it is under the immediate control of a certified food service
 11 manager during all hours of operation.

12 (c) [After November 1, 1994,] [no] No food service facility operated more than an average
 13 of five (5) days per week by a volunteer fire company or bona fide nonprofit fraternal, civic,
 14 veterans', religious, or charitable organization shall operate unless it has a certified food service
 15 manager on staff or a staff person or member is enrolled in an approved course that will train that
 16 person to be a certified food service manager. [After March 1, 1995,] [no]No food service
 17 facility operated more than an average of five (5) days per week by a volunteer fire company or
 18 bona fide nonprofit fraternal, civic, veterans', religious, or charitable organization shall operate
 19 unless it is under the immediate control of a certified food service manager.

20 (d) [After November 1, 1994,] [no]No Class B food service facility shall operate unless a
 21 certified food service manager is on staff or in the membership of the organization or a Level B
 22 food service manager is on site during all hours of operation.

23 * * * * *

24 (f) The approving authority [shall] may reduce the number of hours of training required
 25 for a Level B food service manager.

26 * * * * *

27 (h) A food service facility permit shall not be issued by the Health Officer until the facility
 28 [complies with Subsections (a), (b), (c), and (d), above] meets the food service manager
 29 requirements stated above unless in unusual circumstances, its application would result in an
 30 undue hardship.

31 (i) This Section shall not apply to the following:

1 (1) Low priority food service facilities_[, food facilities regulated under COMAR
2 10.15.04, or to Class I, II, and IV special food service facilities;]

3 * * * * *

4 [(k) Application for a food service manager certificate must be made to the Department by
5 submitting the following:]

6 [(1) A completed application along with a Thirty-five Dollar (\$35.00) fee, and a recent
7 photograph clearly showing the applicant's facial features when trimmed to a size of 2 inches by
8 2 inches; and]

9 [(2) Original written evidence of successful completion, within three (3) years of the
10 date of the application, of a food serviced manager certification course approved by the
11 Maryland State Department of Health and Mental Hygiene (DHMH); or]

12 [(3) An original transcript or official grade notification form from a college or other
13 institution or organization offering a DHMH approved course; or]

14 [(4) Other documentation acceptable to the Department showing successful
15 completion of a DHMH approved course; or]

16 [(5) A valid food service manager certificate from a local jurisdiction with a reciprocal
17 agreement on certification with the Department.]

18 [(6) A person required to obtain a food service manager certification for a food service
19 facility operated by the Board of Education of Prince George's County, by a volunteer fire
20 company or rescue squad, or a bona fide nonprofit fraternal, civic, veterans', religious, or
21 charitable organization or corporation shall be exempt from the fee provision of this Section.]

22 [(7) A person shall be eligible to obtain a food service manager certificate upon
23 successfully passing a challenge examination acceptable to the approving authority.]

24 [(l) A food service manager certificate shall be issued in the name of an individual only,
25 and shall be valid for a period of three (3) years from completion of the certification training or
26 passage of the examination.]

27 [(m)Renewal certificates will be issued upon receipt of the following:]

28 [(1) A complete application along with the Thirty-five Dollar (\$35.00) fee; and]

29 [(2) An original certificate of successful completion issued by an institution or
30 organization or other acceptable documentation providing an approved recertification course; or]

1 [(3) Proof of having provided a minimum of three (3) training courses, approved by
2 the Department, to staff of the facility(ies) where employed during the previous certification
3 period;]

4 [(4) Proof of having conducted a monthly self-inspection program approved by the
5 Department during the previous certification period; or]

6 [(5) Evidence of having successfully passed a challenge examination acceptable to the
7 approving authority.]

8 [(n) Any certification may be suspended or revoked by the Department when the certified
9 food service manager or a person under the certified food service manager's supervision
10 repeatedly fails to comply with these regulations. Prior to such suspension or revocation, the
11 holder of said certificate shall be given the opportunity for a hearing before the approving
12 authority. A certificate may be suspended or revoked for repeated violations of food safety
13 requirements; for failure to make corrections of documented violations; for operating without a
14 permit or while a permit has been suspended; for failure to adhere to critical items requirements,
15 as defined in COMAR 10.15.03.02B; for obtaining such certification under false pretenses; or for
16 preventing regulatory personnel from performing their duty. The certified food service manager
17 shall surrender his/her certificate to the Department when certification has been suspended or
18 revoked. Prior to restoring a certificate, retraining may be required for the food service manager
19 and/or all food workers employed in food facilities where there is documented inability to
20 maintain safe and sanitary food handling practices as demonstrated by instances of foodborne
21 illness, serious repeat violations, or other factors increasing the risk to consumers.]

22 [(o) The fee for the replacement of a food service manager certificate is Fifteen Dollars
23 (\$15.00).]

24 [(p) A food service facility, upon written notice by the Department, will be subject to a fine
25 of Five Hundred Dollars (\$500.00) on each occasion that said facility fails to provide proof that
26 it is under the immediate control of a certified food service manager during all hours when food
27 is being prepared, handled, or served, except as provided in Subsections (e) and (i), above, or
28 that a supervisory employee(s) is/are currently enrolled in an approved course. Proof of
29 enrollment in an approved course must be submitted to the Department within two (2) weeks of
30 written notification to the facility. Upon revocation of a food service manager certification, a
31 food service facility shall be required to obtain the services of a certified food service manager or

1 shall have enrolled alternate supervisory personnel in an approved training program within two
2 (2) weeks of notification to the facility, or shall be subject to the penalties specified in this
3 Section. Application for certification must be made within one week of satisfactory completion
4 of the course.]

5 **Sec. 12-115. Special Food Service Facilities – Mobile Units.**

6 (a) The following provisions shall apply to [Class I, III, and IV special food service
7 facilities] mobile units:

8 (1) Vehicle Identification.

9 (A) The following must be plainly visible and permanently affixed, with a
10 minimum three (3) inch high letters of contrasting color, to the exterior body of the mobile unit:

11 (i) Name of mobile unit and/or operator; and

12 (ii) Address and telephone number of operator, or other means of
13 identification acceptable to the approving authority.

14 * * * * *

15 (B) Mobile [units] food service facilities must provide cold storage units capable
16 of maintaining potentially hazardous food at [45] 41° F, or below.

17 * * * * *

18 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
19 Maryland, that Sections 12-114.01, 12-114.02 and 12-115.01 of the Prince George's County
20 Code be and the same are hereby added:

21 **Sec. 12-114.01 Food Service Manager Certification.**

22 (a) Application for a Food Service Manager Certificate must be made to the Department
23 by submitting the following:

24 (1) A completed application with a fee prescribed in the Table of Fees; and

25 (2) Original written evidence of successful completion, within three (3) years of the
26 date of the application, of a food service manager certification course approved by the
27 Conference for Food Protection (CFP); or

28 (3) An original transcript or official grade notification form from a college or other
29 institution or organization offering a CFP approved course or test; or

30 (4) Other documentation acceptable to the Department showing successful
31 completion of a CFP approved course or test; or

1 (5) A valid food service manager certificate from a local jurisdiction with a reciprocal
2 agreement on certification with the Department.

3 (b) A person required to obtain a food service manager certification for a food service
4 facility operated by the Board of Education of Prince George's County, by a volunteer fire
5 company or rescue squad, or a bona fide nonprofit fraternal, civic, veterans', religious, or
6 charitable organization or corporation shall be exempt from the fee provision of this Section.

7 (c) A food service manager certificate shall be issued in the name of an individual only,
8 and shall be valid for a period of three (3) years from completion of the certification training or
9 passage of the examination.

10 (d) Renewal certificates will be issued upon receipt of the following:

11 (1) A complete application along with the fee as prescribed in the Table of fees; and

12 (2) An original certificate of successful completion of a food service manager
13 recertification test approved by the Conference for Food Protection (CFP); or

14 (3) Proof of having provided a minimum of three (3) training courses, approved by
15 the Department, to staff of the facility or facilities where employed during the previous
16 certification period; or

17 (4) Proof of having conducted a monthly self-inspection program approved by the
18 Department during the previous certification period; or

19 (5) Evidence of having successfully passed a challenge examination acceptable to the
20 approving authority.

21 (e) Application for renewal must be made no later than six (6) months following the
22 expiration of the CFSM card. If more than six (6) months have elapsed, renewal is not possible
23 and the applicant will have to repeat the entire certification process.

24 (f) The expiration date will be exactly three (3) years from the expiration date of the old
25 card.

26 (g) The fee for the replacement of a food service manager certificate is prescribed in the
27 Table of Fees.

28 (h) A food service facility, upon written notice by the Department, will be subject to a fine
29 of Five Hundred Dollars (\$500.00) on each occasion that said facility fails to provide proof that
30 it is under the immediate control of a certified food service manager during all hours when food
31 is being prepared, handled, or served, except as provided in Subsections (e) and (i), above, or

1 that a supervisory employee is currently enrolled in an approved course. Proof of enrollment in
2 an approved course must be submitted to the Department within two (2) weeks of written
3 notification to the facility. Upon revocation of a food service manager certification, a food
4 service facility shall be required to obtain the services of a certified food service manager or shall
5 have enrolled alternate supervisory personnel in an approved training program within two (2)
6 weeks of notification to the facility, or shall be subject to the penalties specified in this Section.
7 Application for certification must be made within one week of satisfactory completion of the
8 course.

9 **Sec. 12-114.02. Food Service Manager Certification; suspension/revocation.**

10 (a) Any certification may be suspended or revoked by the Department when the certified
11 food service manager or a person under the certified food service manager's supervision
12 repeatedly fails to comply with these regulations.

13 (b) Prior to such suspension or revocation, the holder of said certificate shall be given the
14 opportunity for a hearing before the approving authority. A certificate may be suspended or
15 revoked for repeated violations of food safety requirements; for failure to make corrections of
16 documented violations; for operating without a permit or while a permit has been suspended; for
17 failure to adhere to critical items requirements as defined in COMAR 10.15.03.02B; for
18 obtaining such certification under false pretenses; or for preventing regulatory personnel from
19 performing their duty.

20 (c) The certified food service manager shall surrender his or her certificate to the
21 Department when certification has been suspended or revoked.

22 (d) Prior to restoring a certificate, retraining may be required for the food service manager
23 and/or all food workers employed in food facilities where there is documented inability to
24 maintain safe and sanitary food handling practices as demonstrated by instances of foodborne
25 illness, serious repeat violations, or other factors increasing the risk to consumers.

26 **Sec. 12-115.01 Special Food Service Facilities – Temporary Food Service Facilities.**

27 (a) Applications for a single or multi-day event permit must be received by mail or in
28 person no later than five (5) business days prior to the event. Applications received after that
29 time frame will not be processed.

30 (b) Permits received after the deadline as well as those permits submitted by operators with
31 a history of noncompliance may be denied. Denial may be based on the type of food prepared

1 and served, the extent of the necessary food handling activity, and the operator's established
 2 history of operation.

3 (c) Attendance at a training class offered by the Department is encouraged prior to
 4 issuance of a permit. Attendance will be mandatory for those operators who have demonstrated
 5 failure to follow the requirements of this Code.

6 (d) Multi-day events must have approved overnight storage for food and food service
 7 equipment.

8 (e) Based upon local environmental conditions, location, and other similar factors, the
 9 Department may establish additional structural or operational requirements, or both, as necessary
 10 to ensure that foods are handled safely at the event.

11 **Sec. 12-115.02 Special Food Service Facilities – Farmer's Markets.**

12 (a) A Farmer's Market Vendor's License shall:

13 (1) operate only with written permission at a Farmer's Market in the County as
 14 defined in Section 27-107.01 of the Prince George's County Code and

15 (2) be listed by the Maryland Department of Agriculture

16 (b) A Farmer's Market Sampler's License shall:

17 (1) Be dependent upon issuance of a Farmer's Market Permit.

18 (2) Exclude whole uncut produce or products produced with an On Farm Processing
 19 License.

20 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 21 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 22 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 23 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 24 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
 25 Act, since the same would have been enacted without the incorporation in this Act of any such
 26 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
 27 or section.

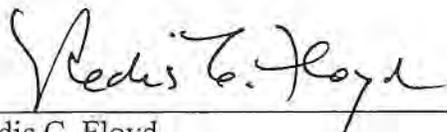
28 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
 29 calendar days after it becomes law.

Adopted this 17th day of November, 2015.

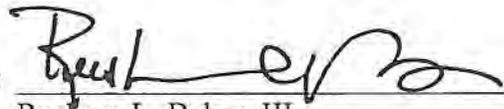
COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: 
Mel Franklin
Chairman

ATTEST:


Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: November 25, 2015 BY: 
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

* * * * *

Prince George's County Council Agenda Item Summary

Meeting Date: 11/17/2015
Reference No.: CB-089-2015
Draft No.: 2
Proposer(s): County Executive
Sponsor(s): Toles, Franklin, Taveras
Item Title: An Act amending certain definitions and enforcement procedures for food service facilities to comply with recent changes to the Code of Maryland Regulations 10.15.03 and generally relating to food service facilities and food service manager certifications.

Drafter: Susan W. Thweatt, Program Chief, Health Department
Resource Personnel: Susan W. Thweatt, Program Chief Health Department

LEGISLATIVE HISTORY:

| | | | |
|----------------------------|------------------|--------------------------|--------------|
| Date Presented: | 9/29/2015 | Executive Action: | 11/25/2015 S |
| Committee Referral: | 9/29/2015 - HEHS | Effective Date: | 1/11/2016 |

Committee Action: 10/8/2015 - FAV(A)

Date Introduced: 10/20/2015
Public Hearing: 11/17/2015 - 10:00 AM

Council Action (1) 11/17/2015 - ENACTED
Council Votes: DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:A, DT:A, KT:A, TT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

12-104, 12-105, 12-105.01, 12-106, 12-107, 12-108, 12-111, 12-111.01, 12-112, 12-113, 12-114, 12-114.01, 12-114.02, 12-115, 12-115.01

COMMITTEE REPORTS:

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE

Date 10/8/2015

Committee Vote: Favorable as Amended 5-0 (Council Members Toles, Davis, Franklin, Glaros and Patterson)

Committee staff provided overview of CB-89-2015 and referral comments that were received. This legislation will amend certain definitions and enforcement procedures for food service facilities to comply with recent changes to the code of Maryland regulations (COMAR). It will also define and clarify chronic offenders, increase the penalty for operating without a permit, and add new language regarding food service manager certifications and temporary event procedures.

The Health Officer and her staff provided additional information and responses to Committee questions. The Health Officer stated that CB-89-2015 updates Subtitle 12 which had not been revised since 1994 and aligns with changes to COMAR governing food facilities. The proposed legislation also modifies the fine for operating a food service facility, without a valid permit, or while having a suspended permit, or after being ordered to close, from three hundred (\$300) to one thousand dollars (\$1,000) a day. Each day of violation is considered a separate offense.

The Committee considered the following amendments:

Page 4, Sec. 12-104., Line 22, (15) after the word "location." Insert the following language, "for an event such as a carnival, circus, fair or similar temporary event." This amendment updates the language to reflect the language in the recent "Food Truck Hubs" legislation.

Page 6, Sec. 12-108., Line 18, (2) Insert "whole or uncut" instead of the word "non-processed." It was the consensus of the Committee that the revision would further explain the meaning of non-processed produce since "non-processed" is not defined in the regulations.

Page 13, Sec. 12-115.02., Line 28, (a) after the word "than" insert "five (5)" instead of "three (3)" business days prior to the event.

The Committee requested staff to consider revised language on Page 6, Sec. 12-107., Line 6, (b) relative to outside storage of food. The Office of Law and Health Department provided the following revision: "There shall be no exposed or unsecured outside storage of food and food equipment. Outdoor service venues such as patios, pool bars, bars, sidewalk operations, temporary events shall provide sufficient protection of all food, food equipment and food service items to prevent contamination at all times."

The Office of Audits and Investigations determined that enactment of CB-89-2015 may have a positive fiscal impact on the County related to the increase in the fine for maintaining a valid food service facility permit. The impact of which would be based upon the number of violations issued annually. A reasonable estimate of annual violations is not able to be determined at this time.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This legislation will amend certain definitions and enforcement procedures for food service facilities to comply with recent changes to the Code of Maryland Regulations (COMAR) 10.15.03. It will also define and clarify chronic offenders, increase the penalty for operating without a permit, and add new language regarding food service manager certifications and temporary event procedures.

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2015 Legislative Session

Bill No. CB-90-2015

Chapter No. 79

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Members Turner, Lehman, Harrison, Franklin, Davis, Taveras, and Glaros

Date of Introduction October 20, 2015

BILL

1 AN ACT concerning the

2 Building Code of Prince George’s County

3 For the purpose of updating the provisions of the Building Code of Prince George’s County (the
4 “County”) to conform to the 2015 editions of the International Building Code, the International
5 Mechanical Code, the International Energy Conservation Code and the International Residential
6 Code for One- and Two-Family Dwellings.

7 BY repealing and reenacting with amendments:

8 SUBTITLE 4. BUILDING.

9 Sections 4-101, 4-106, 4-107, 4-111, 4-112, 4-113, 4-118, 4-119, 4-
10 120, 4-121, 4-123, 4-125, 4-127, 4-131, 4-138, 4-141, 4-142, 4-149, 4-
11 156, 4-157, 4-158, 4-163, 4-165, 4-172, 4-173, 4-180, 4-187, 4-189, 4-
12 190, 4-191, 4-196, 4-244, 4-245, 4-247, 4-249, 4-250, 4-251, 4-253, 4-
13 258, 4-259, 4-260, 4-261, 4-263, 4-345 and 4-352,

14 The Prince George's County Code
15 (2011 Edition; 2014 Supplement).

16 BY repealing:

17 SUBTITLE 4. BUILDING.

18 Sections 4-216, 4-217, 4-218, 4-219, 4-222, 4-223, 4-224, 4-254 and 4-
19 255,

20 The Prince George's County Code
21 (2011 Edition; 2014 Supplement).

1 BY adding:

2 SUBTITLE 4. BUILDING.

3 Sections 4-104, 4-143, 4-152,4-240.1, 4-243, 4-248
4 and 4-252,

5 The Prince George's County Code
6 (2011 Edition; 2014 Supplement).

7 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
8 Maryland, that Sections 4-101, 4-106, 4-107, 4-111, 4-112, 4-113, 4-118, 4-119, 4-120, 4-121, 4-
9 123, 4-125, 4-127, 4-131, 4-138, 4-141, 4-142, 4-149, 4-156, 4-157, 4-158, 4-163, 4-165, 4-172,
10 4-173, 4-180, 4-187, 4-189, 4-190, 4-191, 4-196, 4-244, 4-245, 4-247, 4-249, 4-250, 4-251, 4-
11 253, 4-258, 4-259, 4-260, 4-261, 4-263, 4-345 and 4-352 of the Prince George's County Code be
12 and the same are hereby repealed and reenacted with the following amendments:

13 SUBTITLE 4. BUILDING.

14 DIVISION 1. BUILDING CODE.

15 SUBDIVISION 1. ADOPTION BY REFERENCE.

16 **Sec. 4-101. Code - Adopted by Reference.**

17 The following codes and standards are hereby adopted by reference and made a part of this
18 Subtitle with the same force and effect as those set out in full herein as the official Building Code
19 of Prince George's County, together with the changes, deletions, or modifications prescribed in
20 this Subtitle:

21 The International Building Code, [2012] 2015 Edition (hereinafter referred to as the 'IBC');

22 The International Mechanical Code, [2012] 2015 Edition (hereinafter referred to as the
23 'IMC');

24 The International Energy Conservation Code, [2012] 2015 Edition (hereinafter referred to
25 as the 'IECC'); and

26 The International Residential Code for One- and Two-Family Dwellings, [2012] 2015
27 Edition (hereinafter referred to as the 'IRC').

28 The International Existing Building Code 2012 Edition (hereinafter referred to as the
29 'IEBC').

1 **SUBDIVISION 2. AMENDMENTS TO THE INTERNATIONAL BUILDING CODE.**2 **Sec. 4-106. Administration; Section 101, General.**

3 (a) [Subsection 101.2.2 is added to read as follows: "Additional Regulations." In
4 addition, the regulations as embodied in Divisions 3 and 4 of this Subtitle shall control and
5 establish minimum requirements for grading, drainage, surface structures, erosion control of land
6 and stormwater management within Prince George's County, Maryland, and shall establish
7 procedures by which such requirements are to be administered and enforced. Accordingly,
8 whenever the words "buildings" or "structures," or both, appear in the IBC and elsewhere, as
9 may be applicable, the words "premises, site, and land" are to be considered as having been
10 added to the text of such provisions.] Exception to 101.2. Detached one- and two-family
11 dwelling and multiple single-family dwellings (townhouses) not more than three (3) stories
12 above grade plan in height with a separate means of egress, and their accessory structures not
13 more than one-story above grade plan in height and less than three thousand (3,000) square feet
14 in area, shall comply with the International Residential Code.

15 (b) Subsection [101.4.1.7 is added to read as follows: "Electrical"] 101.4.7, Electrical.
16 The provisions of Subtitle 9 of this Code and the National Electrical Code shall apply to the
17 installation of electrical systems, including alterations, repairs, replacements, equipment,
18 appliances, fixtures, fittings and appurtenances thereto.

19 (c) Subsection 101.4.1 [is amended to read as follows: "Gas."] , Gas. The provisions
20 of the Washington Suburban Sanitary Commission ("WSSC") known as the WSSC Plumbing
21 and Fuel Gas Code; the International Plumbing Code ("IPC"); and the International Fuel Gas
22 Code ("IFGC") shall apply to the installation of gas piping from point of delivery, gas
23 appliances, and related accessories as covered in this Code.

24 (d) Subsection 101.4.3 [is amended to read as follows: "Plumbing."] , Plumbing. The
25 provisions of the Washington Suburban Sanitary Commission ("WSSC") known as the WSSC
26 Plumbing and Fuel Gas Code shall apply to the installation, alterations, repair, or replacement of
27 plumbing systems including alterations, repairs, replacement, equipment, appliances, fixtures,
28 fittings and appurtenances thereto.

29 (e) Subsection 101.4.5.1 [is added to read as follows: "Applicability."] , Applicability.
30 Whenever this Code makes reference to the International Fire Code, the requirements of the
31 National Fire Protection Association (NFPA) 1 and Subtitle 11 of the Prince George's County

1 Code shall apply except where referenced in Section 413, [2012] 2015 IBC Combustible Storage
 2 and Section 426, 2015 IBC Combustible Dusts, Grain Processing and Storage.

3 **Sec. 4-107. Administration; Section 102, Applicability.**

4 (a) Section 102.1 [is amended to read as follows: "General."] General. Where, in any
 5 specific case, different sections of this Code specify different materials, methods of construction,
 6 or other requirements, the most restrictive standard shall apply. In addition, where there is
 7 conflict between a general requirement and a specific requirement, the specific requirement shall
 8 apply. [In addition, the regulations as embodied in Division 3 of this Subtitle, shall control and
 9 establish minimum requirements for grading, drainage, surface structures, erosion control of land
 10 and stormwater management and shall establish procedures by which such requirements are to be
 11 administered and enforced. Accordingly, whenever the words "buildings" or "structures," or
 12 both, appear in the IBC and elsewhere, as may be applicable, the words "premises, site and land"
 13 are to be considered as having been added to the text of such provisions.]

14 (b) Section 102.2.1 [is added to read as follows: "Other requirements."] Other
 15 Requirements. The requirement of Chapter 11, "Accessibility," that buildings which use
 16 turnstiles, cart corrals, or other interior or exterior traffic control devices and which are required
 17 to have a clearly marked route which shall not be obstructed by locked gates during normal
 18 business hours, shall apply to all existing buildings.

19 (c) Section 102.3.1 [is added to read as follows: "Suspension of Approval."] Suspension
 20 of Approval. Whenever it is determined, however, that there is documentary evidence that the
 21 use of a material or method approved herein would constitute a distinct threat to life or property,
 22 the [Building Official] Director or the Director's designee shall have the authority to
 23 administratively suspend approval granted herein of such material or method. The [Building
 24 Official] Director or the Director's designee shall, within five (5) working days, request, in
 25 writing, the County Council to confirm such administrative suspension by resolution of the
 26 Council. Such written request of the [Building Official] Director or the Director's designee shall
 27 be submitted with sufficient technical data and record of national or local testing to substantiate
 28 that the use of an approved method or material would constitute a distinct hazard to life or
 29 property.

30 (d) Section 102.4.1 [is added to read as follows:] Updated Standards. Where existing
 31 standards or requirements adopted herein have been updated or superseded by the promulgating

1 authority, such revised standard or requirement shall be deemed as prima facie evidence of
2 compliance with the intent of the Subtitle.

3 **Sec. 4-111. Administration; Section 105, Permits.**

4 (a) Section 105.2 [is amended to read as follows: "Work Exempt from Permit."] , Work
5 Exempt from Permit. Notwithstanding the foregoing, except for classified historic sites and
6 property located within Chesapeake Bay Critical Area Overlay Zones, permits shall not be
7 required for the following, provided that the construction does not result in any violation of this
8 Subtitle: a one- story detached accessory structure (tool, storage shed, playhouse and similar
9 uses) on one- and two-family dwelling properties with less than one hundred fifty (150) square
10 feet of floor space not designed or intended for occupation or habitation and limited to one (1)
11 accessory structure only per property; all forms of paving less than five hundred (500) square
12 feet except for parking surfaces; a retaining wall not greater than two (2) feet in height unless
13 supporting a structure; fence not greater than four (4) feet in height; and satellite dishes not
14 greater than two (2) feet in diameter and height. Except for classified Historic Sites, permits
15 shall not be required for installation of siding, roofing, or storm door[s or windows, or retrofit
16 insulations] installations, provided that no construction is involved.

17 (b) Section 105.2.2 [is amended to read as follows: "Repairs."] , Repairs. Application or
18 notice to the [Code Official] Director or the Director's designee is not required for ordinary
19 repairs to structures, replacement of lamps or the connection of approved portable electrical
20 equipment to approved permanently installed receptacles. Ordinary repairs shall include the
21 replacement in kind of the following: siding, roofing, gutters, leaders and downspouts, private
22 sidewalks, driveways, patios, awnings and canopies, equipment, cabinets, slabs, handrails,
23 window screens, storm doors and [windows,] recirculation range hoods[, and windows].

24 (c) Section 105.2.2.1 [is added to read as follows: "Repairs to Residential Structures."],
25 Repairs to Residential Structures. Use Group R-1, Use Group R-2, Use Group R-3, and Use
26 Group R-4 which, because of lack of maintenance or structural damage due to a fire, explosion,
27 or natural causes, [undergo repairs or renovations] which, in the opinion of the [Fire Code
28 Official] Director or the Director's designee, exceed fifty percent (50%) [of the assessed value]
29 of the building shall have an approved automatic fire sprinkler system installed throughout the
30 building as part of the scope of repairs to be completed. Computation of the cost of repairs for
31 purposes of this Section shall exclude carpeting replacement, electrical panel capacity upgrades,

1 painting, wallpapering, re-grading and landscaping, lighting fixture replacements, appliance
 2 replacements, bathroom cabinetry and fixture replacements, and modifications necessary to
 3 comply with the Americans with Disabilities Act ("ADA") requirements. Each street address
 4 shall be considered a separate dwelling for application of this Section. All repairs for which a
 5 building permit is required that are conducted within a 365-day period shall be deemed a single
 6 cumulative repair cost for purposes of the application of this Section.

7 (d) Section 105.3.1.1 ["Required Documents for Permits Application" is added to read as
 8 follows:] , Required Documents for Permits Application. The application shall include: (1) any
 9 and all documents showing the business partners of the owner or lessee [that are] involved in the
 10 operation and or ownership of the building structure or use for which the permit is being sought;
 11 (2) any and all organizational documentation of the entity that owns, uses or leases the building
 12 or structure; (3) any and all documents showing who will operate the business; and (4) any other
 13 data and information supported by documentation that is required by the [building official and or
 14 is deemed by] the Director [of Permitting, Inspections, and Enforcement to be] or the Director's
 15 designee deemed necessary for furtherance of the intent of this Code.

16 (e) Section 105.3.1.2 ["Review of Application: is added to read as follows:] , Review of
 17 Application. The application will be reviewed to ensure that it conforms with all the
 18 requirements of the pertinent laws, including but not limited to the requirements of this Code,
 19 State and local laws and ordinances. An application for a permit will be reviewed by the
 20 Director [of Permitting, Inspections, and Enforcement] or [their] the Director's designee, in
 21 consultation with the Police Department and the Fire/EMS Department[, as appropriate and]. The
 22 Director or the Director's designee shall have the authority to deny any application under the
 23 provisions of this Division and shall also have the authority to deny an application upon a
 24 violation of this Division.

25 (f) Section 105.3.1.3 [is added to read as follows: "Application Exemption."] ,
 26 Application Exemption. The Director [of Permitting, Inspections, and Enforcement] or the
 27 Director's designee may refuse to accept an application for a permit from any applicant[,]; (1)
 28 who is or was in default on a previously issued permit, or who is the permittee listed on an
 29 expired permit which is not currently in the process of being extended by County administrative
 30 action [(2)] or who has not fully complied with the application process [(3)] ; (2) for any other
 31 reason the Director [of Permitting, Inspections, and Enforcement] or the Director's designee

1 deems necessary in furtherance of the intent of this Code [(4)] ; or (3) for any reason that is
2 necessary to maintain the health, safety and welfare of the public.

3 (g) Section 105.3.1.4 [is added to read as follows: "By Whom Application is Made."] , By
4 Whom an Application is Made. Application for a permit shall be made by the owner or lessee of
5 the building or structure, or the agent of either, or by the licensed engineer or architect employed
6 in connection with the proposed work. If the application is made by a person other than the
7 owner in fee, the applicant shall attest on the permit application or by separate written statement,
8 that the proposed work is authorized by the owner in fee and that the applicant is authorized to
9 make such application. The full names and addresses of the owner, lessee, applicant, and the
10 responsible officer if the owner or lessee is a corporate body, shall be stated on the application.
11 Subsequent permits will be issued in the name of the owner of record at time of permit issuance.

12 (h) Section 105.3.2 [is amended to read as follows: "Time Limitation of Application."],
13 Time Limitation of an Application. An application for a permit for any proposed work shall be
14 deemed to have been abandoned twenty-four (24) months after the date of filing, unless such
15 application has been diligently pursued in good faith or a permit has been issued. Extensions of
16 time may be authorized by the Director or the Director's designee. The Director or the
17 Director's designee may request any documentation or certification deemed necessary and assess
18 an extension fee as appropriate.

19 (i) Section 105.5 [is amended to read as follows: "Expiration."], Expiration. Every
20 permit issued shall become invalid unless the work on the site authorized by such permit is
21 commenced within one hundred eighty (180) days after the issuance, or if the work authorized on
22 the site by such permit is suspended or abandoned for a period of one hundred eighty (180) days
23 after the time the work is commenced. The [Code Official] Director or the Director's designee is
24 authorized to grant, in writing, one or more extensions of time, for periods not more than one
25 hundred eighty (180) days each. The extension shall be requested in writing and justifiable cause
26 shall be demonstrated. Any permit issued for property within the area of a pending Sectional
27 Map Amendment (as provided for in the County Zoning Ordinance) that is rezoned to a less
28 intense zone, shall expire on its own terms upon approval of the Sectional Map Amendment by
29 the District Council if a completed building foundation for a use not permitted in the less intense
30 zone has not been completed. The [Building Official] Director or the Director's designee shall
31 notify the permit holder of the expiration of the permit.

1 (j) Section 105.5.1 [is added to read as follows: "Expiration of Permit and Correction of
 2 Code Violations."] , Expiration of Permit and Correction of Code Violations. Any permit issued
 3 for residential property to correct a building code or housing code violation issued pursuant to
 4 Subtitle 4 or Subtitle 13 of the County Code shall be issued only for a period of time reasonably
 5 necessary to correct the violation, not to exceed ninety (90) days. The initial period of the permit
 6 shall be established by the [Building Official] Director or the Director's designee based upon the
 7 extent of the work required to correct the violation. The permit may be extended or renewed for
 8 an additional period of one hundred eighty (180) days if, in the opinion of the [Building Official]
 9 Director or the Director's designee, the applicant has demonstrated substantial progress to
 10 complete the work in accordance with the permit and has demonstrated substantial justification
 11 for failure to complete the work within the period of the permit. The Board of Administrative
 12 Appeals shall have no authority to grant an extension to the period of the permit.

13 (k) Section 105.8 [is added to read as follows: "Rural Tier."] , Rural Tier. Where the
 14 property is located in the Rural Tier, as delineated in the Approved General Plan, the validity
 15 period of building permits and the requirements for granting extensions to the validity periods of
 16 expired building permits shall conform to Subtitle 27, Part 18 of the County Code (Interim
 17 Development Ordinance).

18 (l) Section 105.9 [is added to read as follows: "Building Location."] , Building Location.
 19 No permit for building shall be issued for a structure that overlaps the County line. Location of
 20 the County line on the site plan shall be certified by a Professional Land Surveyor.

21 (m) Section 105.10 [is added to read as follows: "Date and Hours of Operation Limits."],
 22 Date and Hours of Operation Limits. All permits shall be issued with date and hours of
 23 operation limits listed as determined by the [Building Official] Director or the Director's
 24 designee. All permits shall be issued indicating that no work shall be performed during the hours
 25 of 9:00 p.m. to 7:00 a.m., unless work is performed pursuant to Section 4-120 of this Subtitle.

26 **Sec. 4-112. Administration; Section 105, Permits.**

27 (a) A new Subsection 105.5.1, [titled "Expiration of permit," is added to read as follows:]
 28 Expiration of Permit. Any permit issued for property within the area of a pending Sectional Map
 29 Amendment, as provided for in Subtitle 27 of this Code, that is rezoned to a less intense zone,
 30 shall expire on its own terms upon approval of the Sectional Map Amendment by the District
 31 Council, if a completed building foundation for a use not permitted in the less intense zone has

1 not been completed. The [Building Official] Director or the Director's designee shall notify the
2 permit holder of the expiration of the permit.

3 (b) A new Subsection 105.5.2, [titled "Expiration of permit; correction of code violations,"
4 is added to read as follows:] Expiration of Permit; Correction of Code Violations. Any permit
5 issued for residential property to correct a building code or housing code violation, issued
6 pursuant to Subtitle 4 or Subtitle 13 of this Code, shall be issued only for a period of time
7 reasonably necessary to correct the violation, not to exceed 90 days. The initial period of the
8 permit shall be established by the [Building Official] Director or the Director's designee based
9 upon the extent of the work required to correct the violation. The permit may be extended or
10 renewed for an additional period of 180 days if, in the opinion of the [Building Official] Director
11 or the Director's designee, the applicant has demonstrated substantial progress to complete the
12 work in accordance with the permit and has demonstrated substantial justification for failure to
13 complete the work within the period of the permit. The Board of Appeals shall have no authority
14 to grant an extension to the period of the permit.

15 (c) Section 105.6 [is amended to read as follows: "Suspension or Revocation and
16 Reissuance of Permits."], Suspension or Revocation and Reissuance of Permits. The [Building
17 Official] Director or the Director's designee is authorized to suspend or revoke a permit issued
18 under the provisions of this Code as follows: (1) whenever the permit is issued in error, (2)
19 incorrectly, (3) inaccurately, (4) in an incomplete manner, (5) [or] for any reason that is
20 necessary to maintain the health, safety and welfare of the public, (6) [or] in violation of any
21 ordinance, regulation or any of the provisions of this Code, and (7) [and The Director of
22 Permitting, Inspections, and Enforcement] the Director or the Director's designee, in
23 consultation with the Police Department and the Fire/EMS Department, [as appropriate,] shall
24 have the authority to deny, suspend, or revoke any application or permit under the provisions of
25 this Division and upon a violation of this Division. In addition, the failure to have utility lines
26 located on site through the Utility Service Protection Center ("Miss Utility") and any nonmember
27 utilities prior to starting any excavation deeper than twelve (12) inches will result in permit
28 revocation."

29 (1) A permit under which no work is commenced within one hundred eighty (180)
30 days after issuance shall expire and become null and void; provided, however, that the [Building

1 Official] Director or the Director's designee may extend the time herein not to exceed an
2 additional one hundred eighty (180) days upon sufficient justification shown.

3 (2) A permit under which work has been started and later suspended or discontinued
4 shall expire and become null and void six (6) months after the work has stopped. Work will be
5 considered suspended or discontinued when the builder fails to prosecute the work so as to
6 ensure completion within a reasonable period of time considering the type of construction
7 involved. The [Building Official] Director or the Director's designee may extend the time herein
8 not to exceed an additional twelve (12) months upon sufficient justification shown.

9 (3) A permit issued in error or not in compliance with County Code at time of
10 issuance may be suspended by the [Building Official] Director or the Director's designee.

11 (4) When a permit has expired for failure to commence work, it may be renewed
12 within a period of thirty (30) days from the date of expiration if the conditions under which the
13 permit was originally issued have remained unchanged and there has been no change in law or
14 ordinance that would adversely affect the permit. A fee shall be collected for each renewal;
15 [provided,] however, [that] no permit may be renewed more than two (2) times.

16 (5) Whenever the [Building Official] Director or the Director's designee determines
17 by inspection that work started on any building or structure for which a permit has been issued
18 has been suspended for a period of six (6) months, the owner of the property upon which the
19 structure is located, or other person or agent in control of said property, shall, within thirty (30)
20 days from the receipt of written notice from the Department, obtain a new or renewal permit to
21 complete the required work and diligently pursue the work to completion, or shall remove work
22 not completed or demolish the incomplete structures or buildings within sixty (60) days from the
23 date of the printed notice.

24 (6) Permits suspended for failure to comply with the County Code or ordinances may
25 be reinstated by the [Building Official] Director or the Director's designee upon compliance or
26 approved validation.

27 (7) A permit issued for property within the area of a pending Sectional Map
28 Amendment, as provided for in Subtitle 27 of this Code, that is rezoned to a less intense zone,
29 shall expire if a completed building foundation for a use not permitted in the less intense zone
30 has not been constructed pursuant to a validly issued permit prior to District Council approval of
31 the Sectional Map Amendment. The determination of the [Building Official] Director or the

1 Director's designee made in accordance with Subsection 105.5.1 of this Subtitle shall not be
2 appealable to the Board of Appeals.

3 (8) The Director or the Director's designee may [authorize the Building Official to]
4 reissue a permit subject to all applicable laws or regulations in effect at the time the permit was
5 originally issued, for a period not to exceed one (1) year after expiration provided that:

6 (A) The County Executive, by Executive Order, has made a finding of severe
7 economic factors adversely affecting real estate development and construction in the County
8 during a specified period and the County Council has been notified by the County Executive of
9 such finding at least seven (7) days prior to issuance of the Executive Order;

10 (B) There is a reasonable showing that these economic factors contributed to the
11 expiration of the permit;

12 (C) There has been no change in the zoning of the property which would affect
13 the issuance of the permit; and

14 (D) A processing fee has been paid in an amount equal to the amount that would
15 be required if the permit was renewed.

16 (d) [The following sentence is added to] Subsection 105.6.1, ["Revocation of permits:"]
17 Revocation of Permits. In addition, the failure to locate utility lines on site, prior to starting any
18 excavation deeper than twelve (12) inches, by not contacting in due time the Utility Service
19 Protection Center, "Miss Utility," and nonmember utilities, as known, and having such utilities
20 locate lines on site, shall be cause - irrespective of whether or not a utility line is ruptured - for
21 revocation of the permit. In order to continue work for which a permit has been revoked, a new
22 application shall be required as specified in Section 105, Permits of IBC/IRC.

23 **Sec. 4-113. Administration; Section 107, Submittal Documents.**

24 (a) Section 107.2.5.2 [is added to read as follows: "Location of Underground Utility Lines
25 prior to Commencement of Work."], Location of Underground Utility Lines Prior to
26 Commencement of Work. For all work that requires excavation deeper than twelve (12) inches,
27 the permit holder (permittee) accepting the permit agrees to contact the Utility Service Protection
28 Center, "Miss Utility," and nonmember utility companies, as known, in due time and prior to
29 beginning any excavation work for the purpose of having each utility company locate its lines on
30 site. In the event that the permittee fails to obtain the services of the utilities, then in such event,
31 and irrespective of whether or not a utility line is ruptured, the [Building Official] Director or the

1 Director's designee may revoke the building or grading permit, or both. In such event, all fees
 2 paid to the County shall be forfeited and, in order to continue work, a new application with
 3 requisite fee for a permit shall be filed. Drawings shall be reexamined to determine that all
 4 utilities have been located and verified by the utility companies having knowledge of the location
 5 of such underground utilities. However, in the event any or all of the respective utility
 6 companies fail to furnish the requisite information to the permittee within a reasonable period of
 7 time as determined by the [Building Official] Director or the Director's designee under all of the
 8 circumstances, then, in such event, the foregoing revocation provisions shall not apply.

9 (b) Section [107.2.6] 107.2.7 [is added to read as follows: "Acknowledgement of Final
 10 Grade."] Acknowledgement of Final Grade. Builders and developers shall place on record with
 11 each utility company a written acknowledgment that final grade has been achieved to within six
 12 (6) inches. Utility lines shall not be installed until such acknowledgment has been received by
 13 the utilities.

14 (c) Section 107.3.4.2 [is added to read as follows: "Fire Protection Engineering Design
 15 Evaluation (FPEDE)."] Fire Protection Engineering Design Evaluation (FPEDE). All plans
 16 and specifications for which a building permit is required for buildings of the Use Groups listed
 17 in this Section shall be evaluated in accordance with the requirements of this Section for design
 18 compliance with adopted fire related code requirements concerning:

- 19 (1) Documentation of the title and edition of all applicable State and local Building
 20 and Fire codes and standards, and amendments thereto, on which the design is based;
- 21 (2) Designated Use Group Classification(s) of all spaces;
- 22 (3) Type of [C]construction requirements identified, with supportive calculations;
- 23 (4) Documentation of fire endurance ratings of structural elements and related
 24 components (walls, floors, roofs, parapets, opening protectives);
- 25 (5) Height and area calculations and limitation compliance and required property line
 26 setback criteria;
- 27 (6) Occupant load calculations and egress capacity and travel distance analysis;
- 28 (7) Interior finishes analysis;
- 29 (8) Fire protection systems required (suppression, fire alarm, smoke detection, heat
 30 detection, smoke control, other required fire protection systems);

1 (9) Fire hydrant locations, fire department connection locations, and emergency fire
2 and medical vehicle access;

3 (10) Emergency lighting and emergency power systems;

4 (11) Applicable provisions of Chapter 4 of the IBC, "Special Detailed Requirements
5 Based on Use and Occupancy"; and

6 (12) Compliance with applicable NFPA Codes and Standards for specific processes,
7 materials, or hazards which are referenced within the IBC or the NFPA 101, Life Safety Code.

8 A written Fire Protection Engineering Design Evaluation (FPEDE) concerning these items shall
9 be submitted with the plans accompanying the application for a building permit. It shall be in the
10 format established by the [Fire Code Official] Director or the Director's designee and shall be
11 signed and sealed by the preparer. If, in the course of performing the FPEDE, the evaluating fire
12 protection engineer determines that there are fire related code deficiencies in the drawing or
13 specifications, all such deficiencies shall be remedied prior to the submittal of the FPEDE and
14 the building permit application and drawings. The FPEDE must include a signed and sealed
15 statement by both the evaluating fire protection engineer and the engineer or architect of record
16 attesting: "These drawings and specifications are in full compliance with the fire safety
17 provisions of all adopted State and local Building Code, Fire Codes, Mechanical Codes, local
18 amendments and referenced codes and standards to the best of their knowledge and belief."

19 (d) Section 107.3.4.2.1 [is added to read as follows: "] Use Groups and Fire Protection
20 Systems Requiring a Fire Protection Engineering Design Evaluation (FPEDE).["] A[n] FPEDE
21 is required for the following buildings or fire protection systems for which a building permit
22 application is made:

23 (1) Use Group "A", Assembly, with an occupant load of one thousand (1,000)
24 persons or more;

25 (2) Use Group "H", High Hazard;

26 (3) Use Groups "I-2" and "I-3", Institutional;

27 (4) Use Group "M", all covered malls and open malls exceeding thirty thousand
28 (30,000) square feet in gross area;

29 (5) All Use Groups with an estimated construction cost of Five Million Dollars
30 (\$5,000,000.00) or more;

1 (6) Any Use Group when deemed necessary by the [Fire Code Official] Director or
2 the Director's designee due to complexity or scope of the design;

3 (7) Any automatic fire suppression, fire detection, fire alarm or smoke management
4 system shop drawings when deemed necessary by the [Fire Code Official] Director or the
5 Director's designee due to complexity or scope of the design;

6 (8) Any building design for a Use Group when deemed necessary by the [Fire Code
7 Official] Director or the Director's designee due to submission of drawings containing extensive
8 or repeated code deficiencies, which create an undue burden upon the review process.

9 (e) Section 107.3.4.2.2 [is added to read as follows: "Qualifications of Fire Protection
10 Engineering Design Evaluation (FPEDE) Preparer."], Qualifications of Fire Protection
11 Engineering Design Evaluation (FPEDE) Preparer. The FPEDE must be prepared by a Fire
12 Protection Engineer who is a registered [P]professional [E]engineer in the State of Maryland.
13 The preparer must also possess:

14 (1) A Bachelor of Science degree in Fire Protection Engineering from an
15 Accreditation Board for Engineering and Technology (ABET) accredited University; or

16 (2) At least five (5) years of documented experience as a [P]professional [E]engineer
17 in the review and evaluation of buildings and fire protection systems for code compliance, plus
18 certification in fire protection plan review from a major model code organization.

19 **Sec. 4-118. Administration; Section 111, Certificate of Use and Occupancy.**

20 (a) Section 111.1.1 [is added to read as follows: "New One-Family Dwelling Units."],
21 One-Family Dwelling Units. Prior to the consummation of the sale (settlement) of any new, one-
22 family dwelling, including the sale of a new condominium unit which is offered for sale for the
23 first time, there shall be an inspection of the unit and premises by the [Building Official] Director
24 or the Director's designee and a [c]Certificate of [use and o]Occupancy issued or a list of the
25 violations or deficiencies requiring correction prior to issuance of such certificate. At the time of
26 consummation of such sale, the [c]Certificate of [use and o]Occupancy, or a list of the
27 deficiencies or violations which remain to be corrected prior to issuance of such [c]Certificate,
28 shall be presented to the [buyer] builder. Unless contractually relieved of such responsibility, the
29 seller shall be responsible for correction of any violations or deficiencies necessary for the
30 [c]Certificate to be issued. When a [c]Certificate of [use and o]Occupancy has not been issued
31 prior to consummation of the sale, there shall be required a separate, written contractual

1 agreement indicating responsibility for correction of all deficiencies or violations cited by the
 2 Department of Permitting, Inspections, and Enforcement by a date certain. The provisions of
 3 this Section are not applicable when a new dwelling unit is purchased for resale as a new
 4 dwelling unit.

5 (1) Nothing herein shall be construed to relieve a builder or seller of a dwelling unit
 6 from any responsibility for correction of building code violations which were caused, created, or
 7 constructed by the builder or seller, and the transfer of title to the property to a subsequent owner
 8 shall not relieve the builder or seller of the responsibility for making such corrections.

9 (b) Section 111.1.2 [is added to read as follows: "Issuance of Certificates of Use and
 10 Occupancy."] , Issuance of Certificates of Occupancy. No [c]Certificate of [use and
 11 o]Occupancy for any building or structure, erected, altered, repaired, changed to a different use
 12 group, or transferred to a new owner or occupant shall be issued unless such building or structure
 13 was erected, altered, or repaired and is otherwise in compliance with the provisions of this
 14 Division and other provisions of State or local laws, ordinances, and regulations.

15 Exception: All buildings which undergo a change of owner or tenant only with no change
 16 of intended use group are not required to meet the fire safety requirements for a new building in
 17 order to obtain a [Use and] Certificate of Occupancy [Certificate]. Such buildings are required to
 18 comply with the provisions of state and local laws, ordinances, and regulations with respect to
 19 fire safety for existing buildings.

20 (c) Section 111.2.1 [is added to read as follows: "Change of Use Group, Owner or
 21 Tenant."] , Change of Use Group, Owner or Tenant. No change in use group, owner, or tenant of
 22 a building, structure, or land shall be permitted, wholly or in part, until a new[use and
 23 occupancy permit] Certificate of Occupancy has been issued by the Building Official certifying
 24 compliance with applicable parts of this Subtitle and other applicable State or local laws,
 25 ordinances, and regulations. This provision shall not apply to a change of tenant for R-2, change
 26 of owner or tenant for R-3, or change of tenant for R-4 structures.

27 (d) Section 111.5 [is added to read as follows: "Uninhabitable Dwellings."],
 28 Uninhabitable Dwellings. When the Director [of Permitting, Inspections, and Enforcement] or
 29 the Director's designee has determined that a dwelling is unfit for human habitation pursuant to
 30 Subtitle 13 of the County Code and the dwelling has remained unoccupied for a subsequent
 31 period of one hundred eighty (180) days, the Director or the Director's designee shall revoke the

1 [c]Certificate of [use and o]Occupancy, or if no [c]Certificate of Occupancy [had] has been
 2 issued, the Director or the Director's designee shall revoke authorization for the dwelling to be
 3 occupied and require that a [c]Certificate of [use and o]Occupancy be obtained prior to any
 4 occupancy of the dwelling. The notice of revocation shall specify the violations of Subtitle 13
 5 and the corrective action required for each violation. Within one hundred eighty (180) days after
 6 the date of the revocation of the [c]Certificate of [use and o]Occupancy, the owner of the
 7 dwelling shall apply for a building permit to correct the violations. The application for a
 8 building permit shall include a rehabilitation plan which identifies all of the work required to be
 9 performed and a schedule for performing the work. The permit shall be issued for a period of
 10 one hundred eighty (180) days and may be renewed once for another one hundred eighty (180)
 11 day period if, in the opinion of the Director or the Director's designee, the applicant has
 12 demonstrated substantial progress in accordance with the rehabilitation plan and has
 13 demonstrated substantial justification for failure to complete the work in accordance with the
 14 rehabilitation plan. If the owner of the dwelling does not submit a rehabilitation plan within one
 15 hundred eighty (180) days after the date that the [c]Certificate of [use and o]Occupancy was
 16 revoked, or if the owner of the dwelling fails to complete the work required to be performed by
 17 the rehabilitation plan prior to the expiration of the building permit, including any renewal
 18 period, the dwelling shall be considered abandoned and the Director or the Director's designee
 19 shall cause the dwelling to be demolished in accordance with the provisions of Subtitle 13.

20 **Sec. 4-119. Administration; Section [116, Unsafe Structures and Equipment] 113, Board of**
 21 **Appeals.**

22 (a) [Section 116.3 is amended to read as follows: "Notice." If an unsafe condition is
 23 found in a building or structure, the Building Official shall serve on the owner, agent, or person
 24 in control of the building or structure a written notice describing the building or structure deemed
 25 unsafe and specifying the required repairs or improvements to be made to render the building or
 26 structure safe and secure, or requiring the unsafe building or structure, or portion thereof, to be
 27 demolished within a stipulated time. Such notice shall require the person thus notified to
 28 immediately declare to the Building Official his acceptance or rejection of the terms of the
 29 order.] Section 113.1.1, Application for Appeal. The owner or occupant of a building or
 30 structure or any directly aggrieved person may appeal to the Board of Administrative Appeals
 31 from a final decision of the Director or the Director's designee. An application for appeal may

1 be made when it is claimed that the true intent of the IBC/IRC or of this Subtitle has been
 2 incorrectly interpreted or applied. Notice of an appeal shall be in writing and filed within thirty
 3 (30) days after the decision is rendered by the Director or the Director's designee; provided,
 4 however, that in the case of a structure or dwelling unit which is unsafe or dangerous, or where
 5 inadequate sediment control measures exist and sediment is leaving a site, and in any other
 6 situation when the Director or the Director's designee has determined that immediate corrective
 7 action is necessary, the Director or the Director's designee may, in the Director's or the
 8 Director's designee's order, limit the time for an appeal to a shorter period. The Board of
 9 Administrative Appeals shall not have the power or duty to hear and decide an appeal regarding
 10 the expiration of a permit pursuant to Section 4-352 of the County Code. Appeals hereunder
 11 shall be in accordance with Subtitle 2, Division 4, of the County Code.

12 (b) [Section 116.3.1 is added to read as follows: "Notice Involving Historic Resources."
 13 If a building or structure found to be unsafe by the Building Official is an identified historic
 14 resource on the Adopted and Approved Historic Sites and District Plan of Prince George's
 15 County, Maryland, a copy of the notice shall also be sent to the Historic Preservation
 16 Commission and demolition shall not be authorized without approval of the Historical
 17 Preservation Commission, except when an emergency situation exists where there is actual and
 18 immediate danger of collapse or failure of the building or structure, or any part thereof, which
 19 would endanger human life.] Section 113.2, Construction in the One Hundred (100) Year
 20 Floodplain.

21 (1) Variances for construction in the One Hundred (100) Year Floodplain shall be
 22 issued by the Board of Administrative Appeals upon:

23 (A) A showing of good and sufficient cause;

24 (B) A determination that failure to grant the variance would result in exceptional
 25 hardship to the applicant;

26 (C) A determination that the granting of a variance will not result in increased
 27 flood heights, additional threats to public safety, extraordinary public expense, create nuisances,
 28 cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

29 (D) A determination that the variance is the minimum necessary to afford relief
 30 upon consideration of the flood hazard; and

1 (E) Upon meeting the performance standards of Section 401.2 or 401.3 of the
 2 “Flood Proofing Regulations,” promulgated by the Office of the Chief of Engineers, U.S. Army,
 3 Washington, District of Columbia.

4 (2) The Board of Administrative Appeals shall notify the aggrieved party, in writing,
 5 of its decision that:

6 (A) The issuance of a variance to construct a structure below the base flood level
 7 will result in increased premium rates for flood insurance up to twenty five dollars (\$25.00) for
 8 one hundred dollars (\$100.00) of insurance coverage; and

9 (B) Such construction below the base flood level increases the risks to life and
 10 property. Such notification shall be maintained with a record of all variance actions, as required
 11 in Section (4)(B).

12 (3) Each decision of the Board of Administrative Appeals, with respect to the
 13 granting or denial of a variance, as described herein, shall be forwarded to the Department of
 14 Permitting, Inspections and Enforcement and to the Prince George’s County Planning Board.

15 (4) The Department of Permitting, Inspections and Enforcement shall:

16 (A) Maintain a record of all variance actions, including justification for their
 17 issuance; and

18 (B) Report such variances issued in its annual report submitted to the Federal
 19 Insurance Administrator.

20 **Sec. 4-120. Administration; Section [117, Emergency Measures] 116. Unsafe Structures**
 21 **and Equipment.**

22 (a) [Section 117.1 is added to read as follows: "Imminent Danger." When, in the opinion
 23 of the Code Official, there is imminent danger of failure or collapse of a building or structure or
 24 any part thereof which endangers life or when any structure or part of a structure has fallen and
 25 life is endangered by the occupation of the building or structure, the Code Official is hereby
 26 authorized and empowered to order and require the occupants to vacate the same forthwith. The
 27 Code Official shall cause to be posted at each entrance to such structure, a notice reading as
 28 follows: 'This structure is unsafe and its occupancy has been prohibited by the Code Official.' It
 29 shall be unlawful for any person to enter such structure except for the purpose of making the
 30 required repairs or of demolishing the same.] Section 116.3, Notice. If an unsafe condition is
 31 found in a building or structure, the Director or the Director’s designee shall serve on the owner,

1 agent, or person in control of the building or structure a written notice describing the building or
 2 structure deemed unsafe and specifying the required repairs or improvements to be made to
 3 render the building or structure safe and secure, or requiring the unsafe building or structure, or
 4 portion thereof, to be demolished within a stipulated time. Such notice shall require the person
 5 thus notified to immediately declare to the Director or the Director's designee his acceptance or
 6 rejection of the terms of the order.

7 (b) [Subsection 117.1.1 is added to read as follows: "Abatement of Uncompleted
 8 Structures." In the event the responsible party fails to complete construction of a structure at the
 9 time of expiration, abandonment, or revocation of the building permit, and in the event the
 10 responsible party fails to comply with the lawful order of the Building Official to make safe by
 11 the completion of the construction or demolish an unsafe and uncompleted structure, the
 12 Building Official shall proceed, when in the Building Official's opinion emergency action is
 13 required, to abate the unsafe conditions by appropriate means, including demolition and removal
 14 of dangerous structures, using such public or private resources required and available.] Section
 15 116.3.1, Notice Involving Historic Resource. If a building or structure found to be unsafe by the
 16 Director or the Director's designee is an identified historic resource on the Adopted and
 17 Approved Historic Sites and District Plan of Prince George's County, Maryland, a copy of the
 18 notice shall also be sent to the Historic Preservation Commission and demolition shall not be
 19 authorized without approval of the Historic Preservation Commission, except when an
 20 emergency situation exists where there is actual and immediate danger of collapse or failure of
 21 the building or structure, or any part thereof, which would endanger human life.

22 [(c) Section 117.1.2 is added to read as follows: "Abatement of Unsafe Conditions."
 23 When, in the opinion of the Building Code Official, with the concurrence of the Director, there is
 24 an imminent danger to human life or the public welfare due to an unsafe condition, the Building
 25 Code Official shall cause the necessary work to be done to eliminate the condition including, but
 26 not limited to, the demolition of the structure or structures. The Building Official shall cause to
 27 be published, for three (3) consecutive days, in a County newspaper of record, notice setting
 28 forth the address of the building; a description of the real estate sufficient for its identification; a
 29 statement that the property is unsafe and constitutes an immediate and continuing hazard to the
 30 community; and a statement that the County intends to demolish same if the owner fails to do so.
 31 The provisions of Section 4-121(a) shall not apply. A person objecting to the proposed actions

1 of the County may file an objection in an appropriate form in a court of competent jurisdiction.
2 If the building is not demolished within thirty (30) days of mailing the notice to the owners of
3 record, or within thirty (30) days of the last day of publication of the notice in a County
4 newspaper of record, whichever is later, the Building Code Official shall have the power to
5 demolish the structure or structures.]

6 [(d) Section 117.2 is added to read as follows: "Temporary Safeguards." When, in the
7 opinion of the Building Code Official, there is an imminent danger due to an unsafe condition,
8 the Building Code Official shall cause the necessary work to be done to render such structure
9 temporarily safe, whether or not the legal procedure herein described has been instituted. The
10 Building Official shall cause the necessary work to be completed in the following manner: to
11 secure doors and windows the material shall be cut to fit either within the recess of the exterior
12 finish wall if the door or window is recessed or to fit on the door or window trim if the trim is
13 applied on top of the exterior wall. The preferred material for windows shall be a transparent
14 material such as Lexan or Plexiglas. If solid materials are used to secure either windows or
15 doors, the solid material shall be painted either white or to match the color of the trim. At the
16 time the structure is secured, the Building Official shall notify the owner that the temporary
17 measures have been taken and that the owner is required to restore the structure within thirty (30)
18 days and that the owner is subject to citation directing that the building be repaired to restore the
19 building envelope. If the structure is not restored within thirty (30) days, the owner shall be
20 fined \$1,000 for each month that the structure is not restored and that the violation continues.
21 For damage to the building as a result of a storm or fire, the Building Official may exercise
22 discretion to extend the initial 30-day period without assessing a fine where the owner and
23 insurer are promptly and actively undertaking repairs to the building.]

24 [(e) Section 117.3 is added to read as follows: "Closing Streets." When necessary for the
25 public safety, the Code Official shall temporarily close structures and close, or order the
26 authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to the
27 unsafe structure and prohibit the same from being used.]

28 [(f) Section 117.4 is added to read as follows: "Emergency Repairs." For the purpose of
29 this Section, the Code Official shall employ the necessary labor and materials to perform the
30 required work as expeditiously as possible.]

1 [(g) Section 117.5 is added to read as follows: "Cost of Emergency Repairs". Costs
2 incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction
3 on certificate of the Building Official. The legal counsel of the jurisdiction shall institute
4 appropriate action against the owner of the premises where the unsafe condition was located for
5 recovery of such costs, including, but not limited to, certification for a tax lien as provided by
6 Section 117.7.]

7 [(h) Section 117.6 is added to read as follows: "Unsafe Equipment." Equipment deemed
8 unsafe by the Code Official shall not be operated after the date stated in the notice unless the
9 required repairs or changes have been made and the equipment has been approved, or unless an
10 extension of time has been secured from the Code Official in writing.]

11 [(i) Section 117.6.1 is added to read as follows: "Authority to Seal Equipment." In the
12 case of an emergency, the Code Official shall have the authority to seal out of service
13 immediately any unsafe device or equipment regulated by this Code.]

14 [(j) Section 117.6.2 is added to read as follows: "Unlawful to Remove Seal." Any device
15 or equipment sealed out of service by the Code Official shall be plainly identified in an approved
16 manner. The identification shall not be tampered with, defaced or removed except by the Code
17 Official and shall indicate the reason for such sealing.]

18 [(k) Section 117.7 is added to read as follows: "Creation of a Tax Lien." There is created a
19 tax lien on real property for monies expended by the County for the making safe of buildings or
20 structures and/or abatement of other unsafe nuisances or conditions constituting a danger to the
21 public health and safety. Upon certification from the County Attorney that a tax lien has been
22 created, the amount of such lien shall be collected by the Director of Finance in the same manner
23 as other County real estate taxes.]

24 **Sec. 4-121. Administration; Section 117, [Means of Appeals] Emergency Measures.**

25 (a) [Section 117.1 is added to read as follows: "Application for Appeal." The owner or
26 occupant of a building or structure or any directly aggrieved person may appeal to the Board of
27 Administrative Appeals from a final decision of the Building Official. Application for appeal
28 may be made when it is claimed that the true intent of the IBC/IRC or of this Subtitle has been
29 incorrectly interpreted or applied. Notice of such appeal shall be in writing and filed within
30 thirty (30) days after the decision is rendered by the Building Official; provided, however, that in
31 the case of a structure or dwelling unit which is unsafe or dangerous, or where inadequate

1 sediment control measures exist and sediment is leaving a site, and in any other situation when
 2 the Building Official has determined that immediate corrective action is necessary, the Building
 3 Official may, in the Building Official's order, limit the time for such appeal to a shorter period.
 4 The Board of Administrative Appeals shall not have the power or duty to hear and decide an
 5 appeal regarding the expiration of a permit pursuant to Section 4-352 of the County Code.
 6 Appeals hereunder shall be in accordance with Subtitle 2, Division 4, of the County Code.]
 7 Section 117.1. Imminent Danger. When, in the opinion of the Director or the Director's
 8 designee, there is imminent danger of failure or collapse of a building or structure or any part
 9 thereof which endangers life or when any structure or part of a structure has fallen and life is
 10 endangered by the occupation of the building or structure, the Director or the Director's
 11 designee is hereby authorized and empowered to order and require the occupants to vacate the
 12 same forthwith. The Director or the Director's designee shall cause to be posted at each entrance
 13 to such structure, a notice reading as follows: 'This structure is unsafe and its occupancy has
 14 been prohibited by the Director or the Director's designee.' It shall be unlawful for any person to
 15 enter such structure except for the purpose of making the required repairs or of demolishing the
 16 same.

17 (b) [Section 117.2 is added to read as follows: Construction in the one hundred (100) year
 18 floodplain.]

19 [(1) Variances for construction in the one hundred (100) year floodplain shall be
 20 issued by the Board of Administrative Appeals upon:

21 [(A) A showing of good and sufficient cause;]

22 [(B) A determination that failure to grant the variance would result in exceptional
 23 hardship to the applicant;]

24 [(C) A determination that the granting of a variance will not result in increased
 25 flood heights, additional threats to public safety, extraordinary public expense, create nuisances,
 26 cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;]

27 [(D) A determination that the variance is the minimum necessary, to afford relief
 28 upon consideration of the flood hazard, to afford relief; and]

29 [(E) Upon meeting the performance standards of Section 401.2 or 401.3 of
 30 "Flood Proofing Regulations," promulgated by the Office of the Chief of Engineers, U.S. Army,
 31 Washington, District of Columbia (June 1972).]

1 [(2) The Board of Administrative Appeals shall notify the aggrieved party, in writing,
2 of its decision that:]

3 [(A) The issuance of a variance to construct a structure below the base flood level
4 will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100
5 of insurance coverage; and]

6 [(B) Such construction below the base flood level increases risks to life and
7 property. Such notification shall be maintained with a record of all variance actions as required
8 in Section (4)(B).]

9 [(3) Each decision of the Board of Administrative Appeals with respect to the grant or
10 denial of a variance as described herein shall be forwarded to the Department of Permitting,
11 Inspections, and Enforcement and to the Prince George's County Planning Board.]

12 [(4) The Department of Permitting, Inspections, and Enforcement shall:]

13 [(A) Maintain a record of all variance actions, including justification for their
14 issuance; and]

15 [(B) Report such variances issued in its annual report submitted to the Federal
16 Insurance Administrator.] Subsection 117.1.1, Abatement of Uncompleted Structures. In the
17 event that the responsible party fails to complete construction of a structure at the time of
18 expiration, abandonment, or revocation of the building permit, and in the event that the
19 responsible party fails to comply with the lawful order of the Director or the Director's designee
20 to make safe by the completion of the construction or to demolish an unsafe and uncompleted
21 structure, the Director or the Director's designee shall cause emergency work to be completed as
22 required, to abate the unsafe conditions by appropriate means, including the demolition and
23 removal of dangerous structures, using such public or private resources required and available.

24 (c) Section 117.1.2, Abatement of Unsafe Conditions. When, in the opinion of the
25 Director or the Director's designee, there is an imminent danger to human life or the public
26 welfare due to an unsafe condition, the Director or the Director's designee shall cause the
27 necessary work to be done to eliminate the condition including, but not limited to, the demolition
28 of the structure or structures. The Director or the Director's designee shall cause to be published,
29 for three (3) consecutive days, in a County newspaper of record, notice setting forth the address
30 of the building; a description of the real estate sufficient for its identification; a statement that the
31 property is unsafe and constitutes an immediate and continuing hazard to the community; and a

1 statement that the County intends to demolish same if the owner fails to do so. The provisions of
2 Section 4-121(a) shall not apply. A person objecting to the proposed actions of the County may
3 file an objection in an appropriate form in a court of competent jurisdiction. If the building is not
4 demolished within thirty (30) days of mailing the notice to the owners of record, or within thirty
5 (30) days of the last day of publication of the notice in a County newspaper of record, whichever
6 is later, the Director or the Director's designee shall have the power to demolish the structure or
7 structures.

8 (d) Section 117.2, Temporary Safeguards. When, in the opinion of the Director or the
9 Director's designee, there is imminent danger due to an unsafe condition, the Director or the
10 Director's designee shall cause the necessary work to be done to render such structure
11 temporarily safe, whether or not the legal procedure herein described has been instituted. The
12 Director or the Director's designee shall cause the necessary work to be completed in the
13 following manner: to secure doors and windows the material shall be cut to fit either within the
14 recess of the exterior finish wall if the door or window is recessed or to fit on the door or window
15 trim if the trim is applied on top of the exterior wall. The preferred material for windows shall
16 be a transparent material such as Lexan or Plexiglas. If solid materials are used to secure either
17 windows or doors, the solid material shall be painted either white or to match the color of the
18 trim. At the time the structure is secured, the Director or the Director's designee shall notify the
19 owner that the temporary measures have been taken and that the owner is required to restore the
20 structure within thirty (30) days and that the owner is subject to citation directing that the
21 building be repaired to restore the building envelope. If the structure is not restored within thirty
22 (30) days, the owner shall be fined one thousand dollars (\$1,000) for each month that the
23 structure is not restored and that the violation continues. For damage to the building as a result
24 of a storm or fire, the Director or the Director's designee may exercise discretion to extend the
25 initial 30-day period without assessing a fine where the owner and insurer are promptly and
26 actively undertaking repairs to the building.

27 (e) Section 117.3, Closing Streets. When necessary for the public safety, the Director or
28 the Director's designee shall temporarily close structures and close, or order the authority having
29 jurisdiction to close, sidewalks, streets, public ways and places adjacent to the unsafe structure
30 and prohibit the same from being used.

1 (f) Section 117.4, Emergency Repairs. For the purpose of this Section, the Director or the
2 Director's designee shall employ the necessary labor and materials to perform the required work
3 as expeditiously as possible.

4 (g) Section 117.5, Cost of Emergency Repairs. Costs incurred in the performance of
5 emergency work shall be paid from the treasury of the jurisdiction on certificate of the Building
6 Official. The legal counsel of the jurisdiction shall institute appropriate action against the owner
7 of the premises where the unsafe condition was located for recovery of such costs, including, but
8 not limited to, certification for a tax lien as provided by Section 117.7.

9 (h) Section 117.6, Unsafe Equipment. Equipment deemed unsafe by the Director or the
10 Director's designee shall not be operated after the date stated in the notice unless the required
11 repairs or changes have been made and the equipment has been approved, or unless an extension
12 of time has been secured from the Director or the Director's designee in writing.

13 (i) Section 117.6.1, Authority to Seal Equipment. In the case of an emergency, the
14 Director or the Director's designee shall have the authority to seal out of service immediately
15 any unsafe device or equipment regulated by this Code.

16 (j) Section 117.6.2, Unlawful to Remove Seal. Any device or equipment sealed out of
17 service by the Director or the Director's designee shall be plainly identified in an approved
18 manner. The identification shall not be tampered with, defaced or removed except by the
19 Director or the Director's designee and shall indicate the reason for such sealing.

20 (k) Section 117.7, Creation of a Tax Lien. There is created a tax lien on real property for
21 monies expended by the County for the making safe of buildings or structures and/or abatement
22 of other unsafe nuisances or conditions constituting a danger to the public health and safety.
23 Upon certification from the County Attorney that a tax lien has been created, the amount of such
24 lien shall be collected by the Director of Finance in the same manner as other County real estate
25 taxes.

26 **Sec. 4-123. Definitions; Section 202, General Definitions.**

27 [(a) The following amendments, additions, and/or deletions are made to Sections 202 of the
28 IBC and the IRC:] The following definition shall apply to Section 105 as set forth in Section 4-
29 111 of this Code:

30 [(1) The following definitions are inserted alphabetically into Section 202:]

1 **Building Foundation:** The placement of a shallow foundation, a deep
 2 foundation, or DPIE-approved ground-improvement methods placed or performed to adequately
 3 and safely support all superimposed live and special loads of the building or structure for which
 4 the building permit has been issued, and that complies with all requirements of Chapter 18 of the
 5 IBC and Chapter 4 of the IRC.

6 The following amendments, additions, and/or deletions are made to Sections 202 of the IBC
 7 and the IRC:

8 **Condominium:** The ownership of single units in a multiunit structure with
 9 common elements.

10 **Condominium [p]Project:** A real estate condominium project; a plan or project
 11 whereby five or more apartments, rooms, office spaces, or other units in any existing or proposed
 12 building or buildings are offered or proposed to be offered for sale.

13 **Condominium [u]Unit:** An enclosed space consisting of one or more rooms
 14 occupying all or part of one or more floors in buildings of one or more floors or stories
 15 regardless of whether they are designed for residence, for office, for the operation of any
 16 industry or business, for any other type of independent use, and shall include such accessory
 17 facilities as may be related thereto, such as garage space, storage space, balcony, terrace or patio,
 18 provided said unit has a direct exit to a thoroughfare or to a given common element leading to a
 19 thoroughfare.

20 **[Conservation Agreement:** A formal agreement which commits a grading or
 21 building permit applicant to the execution of various approved elements of a Conservation Plan,
 22 including a stormwater management concept plan, an erosion and sedimentation concept plan, a
 23 vegetation management plan, and other plans which may be required by the Department of
 24 Permitting, Inspections, and Enforcement or the Prince George's County Planning Board.]

25 **[Conservation Manual:** The manual which describes how a Conservation Plan
 26 is to be prepared in order to meet the requirements of the Chesapeake Bay Critical Area program,
 27 and which is adopted by the District Council and revised and amended from time to time by the
 28 District Council.]

29 **[Conservation Plan:** A plan developed in accordance with the Conservation
 30 Manual, which demonstrates how a project has been designed to meet the specific Chesapeake
 31 Bay Critical Area criteria. The Conservation Plan consists of a stormwater management concept

1 plan, an erosion and sedimentation concept plan, a vegetation management plan, and such other
 2 plans relating to environmental systems as may be required by the Washington Suburban
 3 Sanitary Commission, the Maryland-National Capital Park and Planning Commission, the Prince
 4 George's County Health Department, the Prince George's County Department of the
 5 Environment, the Prince George's County Department of Permitting, Inspections, and
 6 Enforcement or the Prince George's Soil Conservation District.]

7 **Director:** The Director of the Prince George's County, Maryland, Department of
 8 Permitting, Inspections, and Enforcement or the Director's designee.

9 **Hot Water Supply Heater:** A pressure vessel directly fired by oil, gas, or
 10 electricity and which does not exceed the following limitation: two hundred thousand (200,000)
 11 British thermal units per hour (Btu/hr) input, and two hundred (200) degrees Fahrenheit
 12 temperature, and nominal water capacity of one hundred twenty (120) gallons.

13 [(2) The definition of "occupancy" is amended to read as follows:]

14 **Local Fire Department:** Any full-time or volunteer fire department located
 15 within three (3) miles of the building.

16 **Occupancy:** The ownership or tenancy of a building, structure, or land.

17 [(3) The following definition shall apply to Section 105 as set forth in Section 4-111
 18 of this Code:]

19 [**Building Foundation:** The placement of footings that will adequately and safely
 20 support all superimposed live and special loads of the building or structure for which the
 21 building permit has been issued, and that complies with all requirements of Chapter 18 of the
 22 IBC and Chapter 4 of the IRC.]

23 **Public Way:** A paved thoroughfare at least twenty-one (21) feet in width which
 24 is located on privately owned, privately maintained property but is designated for public use or
 25 which is publicly owned and maintained and which must be kept accessible at all times to the
 26 local fire department. This public way shall not be farther from the building than will allow the
 27 fire department aerial equipment to reach seventy-five (75) feet in height.

28 **Sec. 4-125. Use and Occupancy Classification; Section 302; Classification.**

29 (a) Section 302.1 [is amended to read as follows: "General."] General. Structures, or
 30 portions of structures, shall be classified with respect to occupancy in one or more of the groups
 31 listed [below] in this section. A room or space that is intended to be occupied at different times

1 for different purposes shall comply with all of the requirements that are applicable to each of the
 2 purposes for which the room or space will be occupied. Structures with multiple occupancies or
 3 uses shall be classified according to Section [302.3] 508. Where a structure is proposed for a
 4 purpose [which] that is not specifically provided for in this Code, such structure shall be
 5 classified in the group [which] that the occupancy most nearly resembles, according to the fire
 6 safety and relative hazard involved.

7 (1) Assembly (see Section 303): Groups A-1, A-2, A-3, A-4 and A-5[;]

8 (2) Business (see Section 304): Group B[;]

9 (3) Educational (see Section 305): Group E[;]

10 (4) Factory and Industrial (see Section 306): Groups F-1 and F-2[;]

11 (5) High Hazard (see Section 307): Groups H-1, H-2, H-3, H-4, and H-5[;]

12 (6) Institutional (see Section 308): Groups I-1, I-2, I-3, and I-4[;]

13 (7) Mercantile (see Section 309): Group M[;]

14 (8) Residential (see Section 310): Groups R-1, R-2, R-3 and R-4 as applicable in
 15 Section 101.2[, and R-3 (Residential, one- and two-family dwellings);]

16 (9) Storage (see Section 311): Groups S-1 and S-2[;]

17 (10) Utility and Miscellaneous (see Section 312): Group U[;]

18 (11) Use Group U-PU- public utility facilities (see Section 313.0).

19 (b) Section [302.2.1 is added to read as follows: "Other Provisions."] 302.1.1, Other
 20 Provisions. Where a type of occupancy, system, or use is not specifically governed by this Code,
 21 the [Fire Code Official or the Fire Code Official's authorized representative] Director or the
 22 Director's designee may utilize a recognized standard which addresses the occupancy, system, or
 23 use adequately.

24 **Sec. 4-127. Use and Occupancy Classification; Section 313, Use Group U-PU, Public Utility**
 25 **Facilities.**

26 (a) Section 313.1 [is added to read as follows: "General."] , General. This use group is
 27 specifically intended to apply to installations constructed by public utilities or similar public
 28 service agencies to house equipment and/or mechanical facilities within or on buildings or
 29 premises used exclusively by the owning utility or agency which are designed and constructed in
 30 accordance with the recognized practices and requirements of the specific utility industry. To

1 qualify for inclusion in use group U-PU, the building or structure, designated portion of a mixed
2 use occupancy shall:

3 (1) Be exclusively for the use of housing equipment or facilities of the public utility
4 or public service agency which operates the installation;

5 (2) Not permit entrance or access to the general public;

6 (3) Provide that access for employees or designated contractors be controlled and
7 limited to certain designated persons and not accessible to all employees;

8 (4) Provide that there be no other designated use within the limits of the special
9 purpose use group area;

10 (5) Specify that design and construction be done in accordance with recognized
11 industry practices or codes, and shall be so noted on original drawings, to clearly indicate
12 deviations from this IBC; and

13 (6) Not degrade the applicable requirements of this IBC where such other code is
14 used.

15 (b) Section 313.2 [is added to read as follows: "Exceptions."] , Exceptions. By the special
16 purpose nature of structures and/or buildings, in use group U-PU, and the limited or controlled
17 access thereto, and denial of access to the public, the structures shall not be subject to the
18 provisions of [Chapter 13 of the IBC regarding Energy Conservation] the International Energy
19 Conservation Code (IECC).

20 (c) Section 313.3 [is added to read as follows: "Maintenance and Repairs."] , Maintenance
21 and Repairs. Within this controlled access area of any use group U-PU building, the
22 owner/operator of the equipment shall be responsible for the safe and sanitary maintenance of the
23 building or structure and the equipment and/or facilities at all times. Ordinary repairs of such
24 buildings or structures shall be deemed to include structural and mechanical changes exclusively
25 within the controlled area necessary to maintain proper performance for the intended function.
26 Specifically engineered structural and mechanical components designed for removal and
27 replacement in kind during such maintenance shall be considered as ordinary repairs for
28 purposes of this use group only.

29 **Sec. 4-131. Special Detailed Requirements Based on Use and Occupancy; Section 403,**
30 **High-Rise Buildings.**

31 (a) Section 403.1.1 [is added to read as follows: "Applicability under Sloping Site

1 Conditions."], Applicability under Sloping Site Conditions. The provisions of this Section shall
 2 also apply to buildings of Use Groups B, R-1, and R-2 when such buildings have floors used for
 3 human occupancy located more than ninety (90) feet above the grade level on any side of the
 4 building.

5 (b) Section 403.1.2 [is added to read as follows: "Applicability under Rescue
 6 Conditions."], Applicability under Rescue Conditions. The automatic sprinkler provisions of
 7 this Section shall also apply to any building intended for human occupancy which is four (4) or
 8 more stories above grade level or over forty-five (45) feet in height unless such a building
 9 complies with all of the following:

10 (1) Accessibility is provided on two (2) sides of the perimeter of such a building by
 11 virtue of a public way;

12 (2) Height above grade shall be determined by using the lowest evaluation of the
 13 public way as a reference datum; and

14 (3) The local fire department must have at least one (1) approved first line piece of
 15 aerial equipment capable of reaching the roof of the building. Structures or buildings used
 16 exclusively for open-air parking, wherever located, and buildings used exclusively for
 17 agricultural purposes shall not be classified as a high-rise building for the purposes of this
 18 Subtitle.

19 [Public way means a paved thoroughfare at least twenty-one (21) feet in width which
 20 is located on privately owned, privately maintained property but is designated for public use or
 21 which is publicly owned and maintained and which must be kept accessible at all times to the
 22 local fire department. This public way shall not be farther from the building than will allow the
 23 fire department aerial equipment to reach seventy-five (75) feet in height.]

24 [Local fire department means any full-time or volunteer fire department, located
 25 within three (3) road miles of the building.]

26 (c) Section 403.2.1.2 is deleted.

27 (d) Section 403.4.6.1 [is added to read as follows: "Fire Command Center Construction
 28 Features."], Fire Command Center Construction Features. The central control room shall be
 29 located with convenient access to, and in close proximity to, the grade level entrance lobby,
 30 unless an alternate location is approved. The room shall be used for no other purpose than a
 31 central control station or guard location. The room shall be equipped with a U.L. listed battery

1 operated emergency lighting unit. The type, arrangement, and functions of the fire command
 2 station and emergency fire alarm must comply with Section 911, "Fire Command Center" and
 3 shall be subject to approval by the [Fire Code Official or the Fire Code Official's authorized
 4 representative] [Director or the Director's designee].

5 **Sec. 4-138. Special Detailed Requirements Based on Use and Occupancy; Section 415, Use**
 6 **Groups H-1, H-2, H-3, H-4 and H-5.**

7 (a) Section [415.8.2.2.1 is added to read as follows: "Underground Storage."] ,

8 415.9.1.2.1. Underground Storage. All underground storage tanks for flammable or combustible
 9 liquids shall be separated from adjacent property lines and buildings by not less than five (5)
 10 feet.

11 **Sec. 4-141. General Building Heights and Areas; Section 506 Building Area Modifications.**

12 (a) Section [506.2.3 is added to read as follows: "Minimum Accessible Perimeter."]

13 506.3.4 Minimum Accessible Perimeter. All buildings and structures must have at least twenty-
 14 five (25) percent of the building perimeter fronting on a street or other unoccupied space not less
 15 than thirty (30) feet in width which is accessible from a road or a posted fire lane not less than
 16 twenty (22) feet in width. The access road or fire lane and the unoccupied space must be capable
 17 of providing fire apparatus access under all weather conditions to within one hundred (100) feet
 18 of the building or structure.

19 Exceptions: (1) Buildings which are fully sprinklered in accordance with Section 903, and
 20 (2) Structures and buildings in Use Group U and U-PU.

21 (b) Section [506.2.4 is added to read as follows: "Arrangement of Access."] 506.3.5,

22 Arrangement of Access. Access shall be in accordance with the 2012 NFPA 1141, ["Fire
 23 Protection in Planned Building Groups,"] Standard for Fire Protection Infrastructure for Land
 24 Development in Wildland, Rural and Suburban Area, except as otherwise provided for in this
 25 Subtitle.

26 **Sec. 4-142. General Building Heights and Areas; Section 507, Unlimited Area Buildings.**

27 (a) [Section 507.3 is amended to read as follows: "Sprinklered one-story." The area of a
 28 one-story Group A-4, B, F, M or S building, of other than Type 5 construction, shall not be
 29 limited when the building is provided with an automatic sprinkler system throughout in
 30 accordance with Section 903.3.1.1 and is surrounded and adjoined by public ways or yards not
 31 less than sixty (60) feet in width.]

1 [Exceptions: Buildings and structures of Types I and II construction for rack storage
 2 facilities which do not have access by the public shall not be limited in height provided that such
 3 buildings conform to the requirements of Section 507.1 and NFPA 13. In addition, the automatic
 4 sprinkler system shall not be required directly over the sports floor areas or swimming areas of
 5 buildings occupied for indoor participant sports, such as tennis, skating, swimming and
 6 equestrian activities in occupancies in Group A-4, provided that (1) exit doors directly to the
 7 outside are provided for occupants of the participant sports area; (2) the building is equipped
 8 with a fire alarm system with manual fire alarm boxes installed in accordance with Section 907;
 9 and (3) the building owner furnishes to the Fire Code Official a notarized statement
 10 acknowledging that future use of the unprotected sporting floor areas of the facility will be
 11 limited to sporting activities of a low hazard nature with minimal occupant loadings and no
 12 combustibility of contents and furnishings other than necessary to the sporting events.] The
 13 following deletions are made to Section 507.1 of the IBC: Section 507.1 General. The area of
 14 buildings of the occupancies and configurations specified in Sections 507.1 through 507.12 shall
 15 not be limited. Basements shall not be permitted.

16 (b) Section [507.3] 507.4 [is amended to read as follows: "]Sprinklered one-story
 17 buildings.["] The area of a [one-story] Group A-4[, B, F, M or S building, of other than Type 5
 18 construction,] building no more than one story above grade plane of other than Type V
 19 construction, or the area of a Group B, F, M or S building no more than one story above grade
 20 plane of any construction type, shall not be limited when the building is provided with an
 21 automatic sprinkler system throughout in accordance with Section 903.3.1.1 and is surrounded
 22 and adjoined by public ways or yards not less than sixty (60) feet in width.

23 Exceptions: Buildings and structures of Types I and II construction for rack storage
 24 facilities which do not have access by the public shall not be limited in height provided that such
 25 buildings conform to the requirements of Section [507.1] 507.3 and NFPA 13 and Chapter 32 of
 26 the International Fire Code. In addition, the automatic sprinkler system shall not be required
 27 directly over the sports floor areas or swimming areas of buildings occupied for indoor
 28 participant sports, such as tennis, skating, swimming and equestrian activities in occupancies in
 29 Group A-4, provided that (1) exit doors directly to the outside are provided for occupants of the
 30 participant sports area; and (2) the building is equipped with a fire alarm system with manual fire
 31 alarm boxes installed in accordance with Section 907; and (3) the building owner furnishes to the

1 [Fire Code Official] Director or the Director's designee a notarized statement acknowledging
 2 that future use of the unprotected sporting floor areas of the facility will be limited to sporting
 3 activities of a low hazard nature with minimal occupant loadings and no combustibility of
 4 contents and furnishings other than necessary to the sporting events.

5 **Sec. 4-149. Fire and Smoke Protection Features; Section 705, Exterior Walls.**

6 (a) The following deletions are made to Sections 705.3 of the IBC: Section 705.3
 7 Buildings on the Same Lot. Delete Exception 2.

8 (b) Section 705.11 [is amended to read as follows: "Parapets."] Parapets. Parapets shall
 9 be provided on exterior walls of buildings. However, a parapet is not required on an exterior
 10 wall where any of the following conditions (1) through (6) exist:

11 (1) The wall is not required to be fire-resistance rated in accordance with Table 602
 12 because of fire separation distance;

13 (2) The building has an area of not more than one thousand (1,000) square feet on any
 14 floor;

15 (3) The walls terminate at roofs of not less than two (2) hour fire-resistance-rated
 16 construction or at a roof, including the deck and supporting construction, constructed entirely of
 17 noncombustible materials;

18 (4) The exterior walls are one (1) hour fire-resistance-rated that terminate at the
 19 underside of the roof sheathing, deck or slab, provided that conditions A through D below are
 20 met:

21 (A) Where the roof or ceiling framing elements are parallel to the walls, such
 22 framing and elements supporting such framing shall not be of less than one (1) hour fire-
 23 resistance-rating construction for a width of four (4) feet, measured from the interior side of the
 24 wall for Groups R and U and ten (10) feet for other occupancies;

25 (B) Where roof or ceiling framing elements are not parallel to the walls, the
 26 entire span of such framing and elements supporting such framing shall not be of less than one
 27 (1) hour fire-resistance-rated construction;

28 (C) Openings in the roof are not located within five (5) feet of the [O]one (1)
 29 hour fire-resistance-rated exterior wall for Groups R and U and ten (10) feet for other
 30 occupancies; and

31 (D) The entire building is provided with not less than a Class B roof covering.

1 (5) In occupancies of Use Groups R-2 and R-3 as applicable in Section 101.2, both
 2 provided with a Class C roof covering, the exterior wall shall be permitted to terminate at the
 3 roof sheathing or deck in Types III, IV and V construction provided that:

4 (A) The roof sheathing or deck is constructed of approved noncombustible
 5 materials or of fire-retardant-treated wood for the distance of four (4) feet, or

6 (B) The roof is protected with 0.625 inch Type X gypsum board directly beneath
 7 the underside of the roof sheathing or deck, supported by a minimum of nominal two (2) inch
 8 ledgers attached to the sides of the roof framing members for a minimum distance of four (4)
 9 feet. Exception: Occupancies of Use Groups R-2 and R-3 are exempt from the requirements of
 10 Subsections (5)(A) and (5)(B) of this Section when equipped with residential sprinkler systems
 11 installed in accordance with Section 903 of this Code, and the roof is covered with a minimum of
 12 a Class C roof covering.

13 (6) Where the wall is permitted to have at least twenty-five (25%) percent of the
 14 exterior wall areas containing unprotected openings based on the location from a lot line as
 15 determined in accordance with Section 705.8.1 of this Code.

16 **Sec. 4-156. Fire Protection Systems; Section 909, Smoke Control Systems.**

17 Section 909.2.1 [is added to read as follows: "Smoke Control Systems Design Report."],
 18 Smoke Control Systems Design Report. All active mechanical smoke [exhaust] control systems
 19 shall be reviewed, signed and stamped by a [P]professional [E]engineer [meeting] who is
 20 licensed in the State of Maryland and who meets the requirements of Section 107.3.4 prior to
 21 submission for review. The [P]professional [E]engineer shall submit a Design Report with
 22 supportive calculations to the [Fire Code Official] Director or the Director's designee attesting to
 23 the design's compliance with Sections 909.8 and 909.9 of this Code, as well as applicable
 24 adopted NFPA Codes for smoke control systems.

25 **Sec. 4-157. Fire Protection Systems; Section 901, General.**

26 (a) Section 901.2.1 [is added to read as follows: "Fire Protection System Shop
 27 Drawings."], Fire Protection System Shop. Construction documents or shop drawings, or both,
 28 for the installation of all fire protection and suppression systems (i.e., fire sprinkler and alarm
 29 systems etc.) shall be [submitted to indicate conformance with this Code and shall be] required to
 30 be reviewed and certified for compliance to this Code by [the Fire Code Official or the Fire Code
 31 Official's designee] a DPIE-approved Third-Party Peer Reviewer for submission to the Director

1 or the Director's designee as provided for in the joint Memorandum of Understanding between
 2 the Fire Department and the Department of Permitting, Inspections and Enforcement prior to the
 3 issuance of a building permit.

4 Exception: Plans are not required for automatic sprinkler system modifications [or
 5 installations] in commercial buildings involving ten (10) sprinkler heads or less[, and] that do not
 6 [involving] involve the shifting of any cross mains or risers or create a more hydraulically
 7 demanding remote area. Inspection and testing shall still be required after completion of the
 8 work.

9 (b) Section 901.2.1.2 [is added to read as follows: "Review Assumptions."] Review
 10 Assumptions. The operational assumption during the review and inspection of all fire
 11 suppression systems shall be as follows:

12 (1) Total area protection: All areas shall be protected, including, but not limited to
 13 attics, bathrooms, closets, combustible concealed spaces, loading docks, and open areas beneath
 14 the projection of the structure footprint, planned for storage or vehicle traffic; unless specifically
 15 noted, and supported by a Section of this Code on the shop drawings submitted for review.

16 (2) Conditioned space: All areas through which any portion of a fire suppression
 17 system passes shall be provided with an ambient temperature of no less than forty (40) degrees
 18 Fahrenheit unless specifically noted on the plans submitted for review.

19 (3) Code compliance: A note shall be placed on all plans submitted for review
 20 indicating that the installation shall comply with required standards.

21 **Sec. 4-158. Fire Protection Systems; Section 903, Automatic Sprinkler Systems.**

22 (a) Section 903.1, [is amended to read as follows: "General."] General. Approved
 23 automatic sprinkler systems in new buildings and structures shall be provided in the locations
 24 described in this Section. For the purposes of this Section, the fire area is defined as the
 25 aggregate floor area enclosed and bounded by firewalls and exterior walls of a building.

26 [(b) Section 903.2.1 is amended to read as follows: "Group A." An automatic sprinkler
 27 system shall be provided throughout buildings and portions thereof used as Group A occupancies
 28 as provided in this Section. The automatic sprinkler system shall be provided throughout the
 29 floor area where the Group A occupancy is located and in all floors between the Group A
 30 occupancy and the level of exit discharge.]

1 [(c)](b) Section 903.2.1.1 [is amended to read as follows: "Group A-1."] Group A-1.
 2 An automatic sprinkler system shall be provided throughout a fire area containing Group A-1
 3 occupancy and intervening floors of the building where one of the following conditions exists:

- 4 (1) The fire area exceeds six thousand (6,000) square feet;
- 5 (2) The fire area has an occupant load of three hundred (300) or more;
- 6 (3) The fire area is located on a floor other than the level of exit discharge serving
 7 such occupancies; or
- 8 (4) The fire area contains a multi-theatre complex.

9 [(d)](c) Section 903.2.1.3 [is amended to read as follows: "Group A-3."] Group A-3.
 10 An automatic sprinkler system shall be provided throughout a fire area containing a Group A-3
 11 occupancy and intervening floors of the building where one of the following conditions exists:

- 12 (1) The fire area exceeds six thousand (6,000) square feet;
- 13 (2) The fire area has an occupant load of three hundred (300) or more; or
- 14 (3) The fire area is located on a floor other than the level of exit discharge.

15 [Exception: Sprinklers shall not be required directly over participant floor areas or
 16 swimming areas of buildings occupied exclusively for indoor participant sports, such as tennis,
 17 skating, swimming and equestrian activities, provided that the main floor area is located at the
 18 same level as the level of exit discharge of the main entrance and exit, and the building owner
 19 furnishes to the Fire Code Official a notarized statement that acknowledges that the future use of
 20 the unprotected sporting floor areas of the facility will be limited to sporting activities of a low
 21 hazard nature with minimal occupant loadings and no combustibility of the contents and
 22 furnishings other than necessary to the sporting events.]

23 [(e)](d) Section 903.2.1.4 [is amended to read as follows: "Group A-4."] Group A-4.
 24 An automatic sprinkler system shall be provided throughout a fire area containing a Group A-4
 25 occupancy and intervening floors of the building where one of the following conditions exists:

- 26 (1) The fire area exceeds six thousand (6,000) square feet;
- 27 (2) The fire area has an occupant load of three hundred (300) or more; or
- 28 (3) The fire area is located on a floor other than the level of exit discharge.

29 Exception: Sprinklers shall not be required directly over participant floor areas or
 30 swimming areas of buildings occupied exclusively for indoor participant sports such as tennis,
 31 skating, swimming and equestrian activities, provided that the main floor area is located at the

1 same level as the level of exit discharge of the main entrance and exit, and the building owner
2 furnishes to the [Fire Code Official] Director or the Director's designee a notarized statement
3 acknowledging that the future use of the unprotected sporting floor areas of the facility will be
4 limited to sporting activities of a low hazard nature with minimal occupant loadings and no
5 combustibility of the contents and furnishings other than necessary to the sporting events.

6 [(f)](e) Section 903.2.7 [is amended to read as follows: "Group M."] , Group M. An
7 automatic sprinkler system shall be provided throughout buildings where the fire area containing
8 a Group M occupancy exceeds six thousand (6,000) square feet, or where more than two (2)
9 stories in height or where the combined fire area on all floors, including any mezzanines,
10 exceeds twelve thousand (12,000) square feet or when used for the sales or display of
11 upholstered furniture or mattresses over five thousand (5,000) square feet.

12 [(g)](f) Section 903.2.7.1 [is amended to read as follows: "High-Piled Storage."], High-
13 Piled Storage. An automatic sprinkler system shall be provided in all buildings of Group M
14 where storage of merchandise is in high-piled or rack storage arrays. High-piled storage shall be
15 considered storage in excess of twelve (12) feet above the floor for purposes of this Section.

16 [(h)](g) Section 903.2.8 [is amended to read as follows: "Group R-2."], Group R-2. An
17 automatic sprinkler system shall be provided throughout buildings with a Group R-2 fire area.
18 The following reductions in construction requirements are permitted when a building of use
19 Group R-2 is fully sprinklered and is not over four (4) stories above grade on any side of the
20 building:

21 (1) Attic sprinklers may be omitted provided that the ceiling of the top level is of
22 five-eighths (5/8) inch fire code type gypsum board and the attic is draftstopped at each two (2)
23 units maximum and all ceiling ductwork penetrations are provided with UL listed ceiling
24 dampers;

25 (2) Section 11-258 of the County Code (County Fire Safety Law) requiring heat
26 detectors in apartments is not applicable;

27 (3) Balconies of apartments may be of combustible construction, provided the
28 balconies are sprinklered;

29 (4) Sprinklers may be omitted from open-air exterior stair enclosures provided that a
30 Class A finish is used in the stairs;

1 (5) Standpipes are not required for apartments of three (3) or less stories. Four- (4)
2 story apartments may utilize dry standpipes; and

3 (6) Balcony soffit vents in unsprinklered attics are permitted.

4 [(i)](h) Section 903.2.9 [is amended to read as follows: "Group S-1."] , Group S-1. An
5 automatic sprinkler system shall be provided throughout buildings where the fire area containing
6 a Group S-1 occupancy exceeds six thousand (6,000) square feet [or where more than two (2)
7 stories in height, or where the combined fire area on all floors including mezzanines exceeds
8 twelve thousand (12,000) square feet] , or where a Group S-1 fire area used for the storage of
9 commercial motor vehicles where the fire area exceeds five thousand (5,000) square feet, or
10 where a Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds
11 two thousand five hundred (2,500) square feet.

12 [(j)](i) Section [903.3.5.1.3 is added to read as follows: "Cross Connection."] 903.3.5.3,
13 Cross Connection. A connection from a sprinkler system designed in accordance with NFPA
14 13D to a single remote commode (water closet) shall be permitted. Such connection shall be
15 from the sprinkler system piping to the water closet supply piping.

16 [(k)](j) Section [903.3.8 is added to read as follows: "Riser and Water Supply
17 Requirements."] 903.3.9, Riser and Water Supply Requirements. Every building which is
18 required to be fully sprinklered shall be provided with a complete and separate sprinkler system
19 riser. The riser shall include an alarm check valve or indicating device and check valve, a drain
20 and connection for a fire department pumping connection and a control valve. The arrangement
21 and location shall be subject to the approval of the authority having jurisdiction. A separate
22 main supply source shall be required for each system riser. The system supply shall be based
23 upon the low hydraulic grade shown on the Hydraulic Information Sheet, as determined by the
24 Washington Suburban Sanitary Commission. The demand for the automatic sprinkler system
25 plus 5 psi must be below the available water supply curve.

26 [(l)](k) Section 903.6 [is added to read as follows: "Zones."] , Zones. Automatic fire
27 suppression system zones shall coincide with the fire alarm zones required in Section [907.8]
28 907.6.4 of this Code unless specifically exempted by the [Fire Code Official] Director or the
29 Director's designee.

1 [(m)](l) Section [903.7.1 is added to read as follows: "Thermal Protection."] 903.7,
 2 Thermal Protection. Heat tracing tape shall not be an acceptable means of thermal protection for
 3 any portion of a fire suppression system.

4 Exception: Wet pipe suppression systems with heat trace tape specifically listed for
 5 intended application and installed in accordance with the listing as acceptable as approved by the
 6 [Fire Code Official] Director or the Director's designee.

7 (m) Section [903.7.2 is added to read as follows: "Mechanical Protection."] 903.3.7.1,
 8 Mechanical Protection. All piping comprising any portion of a fire protection system shall be
 9 protected against reasonable mechanical vehicular damage.

10 **Sec. 4-163. Fire Protection Systems; Section 903, Automatic Sprinkler Systems.**

11 (a) Section [903.3.7 is added to read as follows: "Number of Inlets."] 903.3.7.1, Number
 12 of Inlets. The number of inlets shall comply with Table 903.3.

13 **TABLE 903.3**

14 The number of 2 1/2-inch fire department connection inlets shall be based on the following
 15 schedule:

| TOTAL INSIDE SYSTEM WATER DEMAND | NUMBER OF 2 1/2 INCH INLETS |
|--|-----------------------------|
| 0 gpm to 300 gpm | 1 |
| 301 gpm to 750 gpm | 2 |
| Each additional 250 gpm | 1 additional inlet |
| Note A: For systems exceeding 1,000 gpm of fire sprinkler flow demand, the number and arrangement of the fire department connection inlets shall be as directed by the [Fire Code Official] Director or the Director's designee. | |

16 **Sec. 4-165. Fire Protection Systems; Section 907, Fire Alarm and Detection Systems.**

17 (a) Section 907.2.1.1 [is amended to read as follows: "System initiation in Group A
 18 occupancies with an occupant load of 300 or more."], System initiation in Group A occupancies
 19 with an occupant load of 300 or more. Activation of the fire alarm in Group A occupancies with
 20 an occupant load of 300 or more shall initiate a signal using an emergency voice/alarm
 21 communications system in accordance with NFPA 72.

22 Exception: Where approved, the prerecorded announcement is allowed to be manually
 23 deactivated for a period of time, not to exceed 3 minutes, for the sole purpose of allowing a live
 24 voice announcement from an approved, constantly attended location.

1 (b) Section [907.6.3 is amended to read as follows: "Zones."] 907.6.4, Zones. Each floor
 2 shall be zoned separately and a zone shall not exceed twenty-two thousand[,] five hundred
 3 (22,500) square feet. The length of any zone shall not exceed three hundred (300) feet in any
 4 direction. Annunciation shall be provided in all buildings that contain more than one zone. A
 5 floor shall be subdivided into zones when the maximum area for a sprinkler, smoke control or
 6 alarm system is exceeded. The zones' coverage areas shall be arranged to coincide.

7 Exception: Automatic sprinkler system zones shall not exceed the area permitted by NFPA
 8 13. Fire alarm zones may exceed twenty-two thousand[,] five hundred (22,500) square feet
 9 where necessary to match sprinkler zones.

10 (c) Section [907.6.3.1 is amended to read as follows: "Zoning Indicator Panel."] 907.6.4.1,
 11 Zoning Indicator Panel. A zoning indicator panel with a graphic display and the associated
 12 controls shall be provided at the main entrance(s) of the building or structure. If the building is
 13 not constantly attended, the display shall be visible and discernible from the exterior. The visual
 14 zone indication shall lock in until the system is reset and shall not be canceled by the operation
 15 of an audible alarm-silencing switch.

16 **Sec. 4-172. Means of Egress; Section [1013] 1015, Guards.**

17 (a) Section [1013.1.2 is added to read as follows:] 1015.2.2, All retaining walls thirty (30)
 18 inches or higher shall be provided with guard rails in accordance with this Section.

19 (b) Section [1013.4 is added to read as follows: "Ladder Effect".] 1015.4.1, Ladder Effect.
 20 Guards shall not have an ornamental pattern that would provide a ladder effect.

21 **Sec. 4-173. Means of Egress; Section 1027, Exterior Exit Stairways and Ramps.**

22 Section [1026.6.1 is added to read as follows: "Types of Protection."] 1027.6.1, Types of
 23 Protection. In other than use group R-3 (one-and-two-family dwellings) treads, platforms and
 24 landings or other walking surfaces that are part of a required exterior stairway [or ramp], or
 25 egress system, located more than thirty (30) inches above grade, and are in climates subject to
 26 snow or ice shall be protected by either:

- 27 1. Roof overhang, canopy or awning consistent with the type of construction.
- 28 2. Heated slab.
- 29 3. Reliable snow maintenance program approved by the [Fire Code Official]

30 Director or the Director's designee.

1 **Sec. 4-180. Chapter 11 - Accessibility.**

2 (a) Chapter 11 of the IBC relating to Accessibility is hereby replaced with the Maryland
3 Accessibility code set forth in the code of Maryland Regulations (COMAR) Section 05.02.02.

4 (b) The following provisions shall supplement the Maryland Accessibility Code.
5 Swimming [poll] pool access: All public swimming pools shall have an approved lift with a
6 capacity of not less than three hundred (300) pounds for ingress to and egress from the pool or a
7 suitable system of ramps which would readily and safely accomplish the same purpose.

8 (c) Ramps serving as the main means of egress or ingress for a building shall have a width
9 of not less than five (5) feet measured between the handrails.

10 [Exception: When exit-way ramps are constructed for R-3 and One- and Two-Family
11 Dwellings, they shall comply with IRC R311.]

12 **Sec. 4-187. Structural Design; Section 1608, Snow Loads.**

13 (a) Section 1608.1 [is amended to read as follows: "General."] .General. Design snow
14 loads shall be determined in accordance with Section 7 of ASCE 7, but the design roof load shall
15 not be less than that determined by Section 1607 of this Code. However, in no case shall a roof
16 be designed for less than thirty (30) per square foot (psf) snow load plus the drift.

17 (b) Section 1608.2, Ground Snow Loads. The minimum ground snow loads to be used in
18 determining the design snow loads for roofs, including snow drift shall be thirty five (35) pounds
19 per square foot (psf).

20 **Sec. 4-189. Soils and Foundations; Section 1809, Shallow Foundation.**

21 (a) Section [1805.5 is amended to read as follows: "Frost Protection."] 1809.5, Frost
22 Protection. Except when erected upon solid rock or otherwise protected from frost, foundation
23 walls, piers, and other permanent supports of all buildings and structures shall extend thirty (30)
24 inches below finished grade and placed on undisturbed ground or compacted fill material,
25 certified by a geotechnical engineer licensed to practice in the State of Maryland, and spread
26 footings of adequate size shall be provided when necessary to properly distribute the load within
27 the allowable bearing value of the soil, or such structures shall be supported on piles, piers or
28 pre-approved methods of ground improvement when solid earth to rock is not available.
29 Footings shall not be founded on frozen soils unless such frozen condition is of a permanent
30 character.

1 (b) Section 1808.7 [is amended to read as follows: "Footings on or Adjacent to Slopes."],
 2 Footings on or Adjacent to Slopes. The placement of buildings and structures on or adjacent to
 3 slopes steeper than one (1) unit vertical in three (3) units horizontal (or a 33.3% slope) shall
 4 conform to Section 1808.7.1 through 1808.7.5 of this Code. However, if there is a conflict
 5 between the requirements of this Section and [Division 3 of Subtitle 4] Subtitle 32 of the County
 6 Code, the more restrictive requirements shall apply.

7 **Sec. 4-190. Special Inspections and Tests; Section 1705, Required [Verification and**
 8 **Inspections] Soils.**

9 Section 1705.6 [is amended to read as follows: "Soils."], Soils. The special inspections for
 10 existing site soil conditions, fill placement and load bearing requirements shall follow Division
 11 [3] 2 of Subtitle [4] 32 of the County Code entitled, "Grading, Drainage and Pollution Control."

12 **Sec. 4-191. Soils and Foundations; Section 1805, Dampproofing and Waterproofing.**

13 (a) Section 1805.4.3.4 [is amended to read as follows: "**1805.4.3.4**], Sump Pumps and
 14 Pits. Where subsoil drains do not discharge by gravity, the drains shall discharge to an accessible
 15 sump pit with an automatic electric pump. A battery back-up or water-powered back-up sump
 16 pump will also be provided. Sump pit shall be a minimum of twenty-four (24) inches in
 17 diameter, or eighteen (18) inches square and twenty-four (24) inches in depth and be provided
 18 with a fitted cover. The sump pump shall have adequate capacity to discharge all water coming
 19 into the sump as it accumulates, but in no case shall the capacity of the pump be less than fifteen
 20 (15) gallons per minute. The discharge from the pump shall be a minimum of one and one-
 21 fourth (1 ¼) inches and shall have a union in the discharge piping to make the pump accessible
 22 for servicing. Subsoil drains and sump pump discharge may discharge to a properly graded open
 23 area provided the point of discharge is ten (10) feet from any property line or Building
 24 Restriction Line (BRL). Where a continuously flowing spring or high groundwater table is
 25 encountered during the design stage, basement floors shall be designed at least two and one-half
 26 (2.5) feet above the groundwater's highest detected level. Alternatively, pre-approved methods
 27 of permanent dewatering shall be provided, and groundwater level shall be verified again before
 28 construction. If such condition is encountered after construction, and subsoil [and sump pump
 29 discharge lines] drains are pre-approved by the County, these drains must be piped to a storm
 30 drain or approved [water course] outfall where they shall be fitted[. When piped to a storm drain
 31 all drainage lines shall be provided] with an accessible backwater valve.["] Residential sump

1 pumps are not to be relied on for lowering high groundwater table.

2 (b) Section 1805.4.3.5 [is added to read as follows: "1805.4.3.5], Areaway Drains. All
3 open subsurface space adjacent to a building serving as an exit or entrance shall be provided with
4 a drain or drains. Such areaway drains shall be of approved material in accordance with
5 [Chapter 29 of this Building Code] the International Plumbing Code (IPC) and not less than two
6 (2) inches in diameter and shall discharge by gravity or mechanical means [in accordance with
7 1807.4.2]. Areaway drains for areas exceeding 100 square feet shall be sized in accordance with
8 Section [1113] 1114 of the [2006] 2015 [International Plumbing Code] IPC and be a pre-
9 approved design.["]

10 (c) Section 1805.4.3.6 [is added to read as follows: "1805.4.3.6], Window Well Drains.
11 Window well areaways shall have drains. Window well areaways ten (10) square feet or less
12 may discharge to the subsoil drain through a [2]two-inch minimum diameter pipe.["]

13 (d) Section 1805.4.3.7 [is added to read as follows: "1805.4.3.7], Foundation Weep Holes.
14 Where subsoil drains are required by Section [1807.4.2] 1805.4.2, foundations of hollow core
15 masonry shall have foundation weep holes. Weep holes shall be placed a maximum of 4-foot o/c
16 intervals and shall discharge into the aggregate of interior subsoil drainage system.["]

17 (e) Section 1805.4.3.8 [is added to read as follows: "1805.4.3.8], Site Grading. The
18 ground immediately adjacent to the foundation shall be sloped away from the building at a slope
19 of not less than one unit vertical in twelve (12) units horizontal (1:12) for a minimum distance of
20 5 feet (914 mm) measured perpendicular to the face of the wall or an approved alternate method
21 of diverting water away from the foundation shall be used. Consideration shall be given to the
22 possible additional settlement of the backfill when establishing the final ground level adjacent to
23 the foundation.["]

24 **Sec. 4-196. Electrical; Section 2702, Emergency and Standby Power Systems.**

25 Section 2702.2 [is amended to read as follows: "Where Required."] Emergency and
26 Standby Power Systems. Where required, [E]emergency and standby power systems shall be
27 installed in accordance with the National Electrical Code, NFPA 110 and NFPA 111, and shall
28 be provided where required by Section 2702.2.1 through 2702.2.20 of this Code.

29 [Note: A connection ahead of the service disconnecting means is not considered an
30 emergency system power source.]

31 **SUBDIVISION 4. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS.**

1 **Sec. 4-244. Building Planning; Section [R-311, Means of Egress.] R-312, Guards and**
 2 **Window Fall Protection.**

3 [(a) Section R-311.4.5 is added to read as follows: "Minimum Number of Exits in Existing
 4 One-and-Two Family Dwellings." One- and two-family dwellings that undergo basement
 5 improvements for which a building permit is required shall have a minimum of two (2) exits. All
 6 basements and cellars, must have a basement or cellar exit door or an emergency escape and
 7 rescue opening leading directly to the outside grade and additionally an interior stair leading to
 8 the primary means of egress of the dwelling unit.]

9 [(b) Section R-311.7.5 is amended to read as follows: "Stair Treads and Risers." The
 10 maximum riser height shall be eight and one-fourth (8 1/4) inches, and the minimum tread depth
 11 shall be nine (9) inches. The riser height shall be measured vertically between the vertical planes
 12 of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The
 13 walking face of treads and landings of a stairway shall be sloped no steeper than one (1) unit
 14 vertical in forty-eight (48) units horizontal (2% slope). The greatest riser height within any flight
 15 of stairs shall not exceed the smallest by more than three-eighths (3/8) inch. The greatest tread
 16 depth within any flight of stairs shall not exceed the smallest by more than three-eighths (3/8)
 17 inch.] Section R-312.1.3. Opening Limitations. Required guards shall not have openings from
 18 the walking surface to the required guard height that allow passage of a sphere four inches in
 19 diameter, and shall not be constructed with horizontal rails or other ornamental patterns that
 20 result in a ladder effect.

21 Exceptions: (1) The triangular openings at the open side of stairs, formed by the riser, tread
 22 and bottom rail of a guard, shall not allow passage of a sphere six (6) inches in diameter.

23 (2) Guards on the open side of stairs shall not have openings that allow passage
 24 of a sphere four and three-eighths (4 3/8) inches in diameter.

25 **Sec. 4-245. Building Planning; Section [R-324, Fire Protection Systems.] R-313, Automatic**
 26 **Fire Sprinkler System.**

27 [(a) Section R-324.1 is added to read as follows: "Automatic Sprinkler System
 28 Requirement for New One and Two Family Dwellings and Industrialized Buildings (Modular
 29 and Manufactured Homes to be utilized as a new One and Two Family Dwelling)." This
 30 Section, R-324, supercedes Section R-313 of the IRC. An automatic sprinkler system shall be
 31 provided throughout new one and two family dwellings, including industrialized (modular) and

1 manufactured homes, installed as manufactured homes after December 31, 2010. The following
2 reductions in construction requirements are permitted when a one or two family dwelling is fully
3 sprinklered:]

4 [(1) A basement exit to grade is not required;]

5 [(2) A second exit from the dwelling is not required;]

6 [(3) Escape windows from sleeping rooms and basements (habitable or nonhabitable)
7 will not be required to meet any size except that at least one (1) window shall be provided from
8 each sleeping room and basement which may be opened from the inside without the use of tools
9 or keys;]

10 [(4) Trusses are not required to be provided with a fire-resistive ceiling membrane;
11 and]

12 [(5) Fire separations may be reduced from two (2) hours to one (1) hour rating and
13 may be constructed with combustible framing. The one (1) hour rated fire separation wall need
14 not be able to withstand collapse of construction on either side under fire conditions.]

15 [(b) Section R-324.2 is added to read as follows: "Connection from Sprinkler Systems." A
16 connection from a sprinkler system designed in accordance with NFPA 13D to a single remote
17 commode (water closet) shall be permitted. Such connection shall be from the sprinkler system
18 piping to the water closet supply piping.]

19 [(c) Section R-324.3 is added to read as follows: "Sprinklers for Replacement
20 Structures or Additions." Structures that replace structures that undergo a complete demolition
21 (exclusive of the foundation) due to lack of maintenance, fire, explosion or natural causes shall
22 be required to be fully sprinklered. Additions to existing structures which exceed one hundred
23 (100) percent of the total floor (square footage) of the existing structures will cause the altered
24 structure (addition plus existing structure) to be fully sprinklered.]

25 [(d) Section R-324.4 is added to read as follows: "Sprinklers for Additions." All enclosed
26 or habitable additions to an existing sprinklered one or two family dwelling, including
27 industrialized (modular and manufactured) homes must also be fully sprinklered.]

28 [(e) Section R-324.5 is added to read as follows: "Location and Performance of Fire
29 Hydrants." Every building of more than one thousand (1,000) square feet in area shall be
30 provided with sufficient fire hydrants located such that no exterior portion of the building is
31 located more than five hundred (500) feet from a fire hydrant. The distance shall be measured as

1 a hose line would be laid along paved streets, through parking lot entrances, and around
 2 obstructions, in accordance with the determination of the authority having jurisdiction. For
 3 multiple single family dwellings (townhouses), provide a fire hydrant within five hundred (500)
 4 feet of all exterior portions of the building, as hose is laid. Each hydrant shall provide a
 5 minimum of one thousand (1,000) gpm at a residual pressure of twenty (20) psi.]

6 [Exception: An approved alternate water supply source may be acceptable in areas not
 7 served by a public water supply. In addition, a fire hydrant is not required to be situated within
 8 two hundred (200) feet of any required fire department connection that is intended to supply an
 9 automatic fire sprinkler system that has been retrofitted into an existing building of any use
 10 group, provided that the area of the building has not been increased in size or the use group
 11 classification has not been changed to require an automatic fire suppression system under any
 12 other provision of this Division.]

13 [(f) Section R-324.6 is added to read as follows: “Booster Pump for Automatic
 14 Sprinklers.” Where a booster pump is required for the water supply to the automatic sprinklers
 15 the pump driver shall follow the requirements of this Section. FIRE PROTECTION USE
 16 ONLY]

17 [(g) Section R-324.6.1 is added to read as follows: “Water Pressure and Volume Boost
 18 with Standard Drip Proof Pump Drive.” Water pressure and volume boost with standard drip
 19 proof pump drive shall be installed as follows:]

20 [(1) Circuit breaker switch must be within the visual line-of-sight of the pump. A sub-
 21 panel may be provided within the line-of-sight of the pump, if the main panel is in a remote
 22 location to the pump.]

23 [(2) Passive electrical supervision to the pump will be accomplished through the
 24 following wiring diagram of either the main or subpanel. See figure R-324.6.1.]

25 [(h) Section R-324.6.2 is added to read as follows: “Water Pressure and Volume Boost
 26 with Totally Enclosed, Fan Cooled Pump Driver.” Water pressure and volume boost with totally
 27 enclosed, fan cooled pump driver shall be installed as follows:]

28 [(1) Circuit breaker switch must be within the visual line-of-sight of the pump. A sub-
 29 panel may be provided within the line-of-sight of the pump, if the main panel is in a remote
 30 location to the pump.]

31 [(2) Passive electrical supervision to the pump will be accomplished through the

1 following wiring diagram of either the main or subpanel. See figure R-324.6.1.]

2 [(i) Section R-324.6.3 is added to read as follows: "Any Pump with a Stored Water
3 Supply." Any pump with a stored water supply shall be installed as follows:]

4 [(1) Circuit breaker switch must be within the visual line-of-sight of the pump. A sub-
5 panel may be provided within the line-of-sight of the pump, if the main panel is in a remote
6 location to the pump.]

7 [(2) Passive electrical supervision to the pump will be accomplished through the
8 following wiring diagram of either the main or subpanel. See figure R-324.6.1.]

9 [(j) Section R-324.6.4 is added to read as follows: "Combination Use Standard Wiring
10 Method." Any pump on a single circuit shall be installed as follows:]

11 [(k) Section R-324.6.5 is added to read as follows: "Mounting Considerations for Any
12 Pump Serving a Residential Sprinkler System." Any pump serving a residential sprinkler system
13 shall be installed as follows:]

14 [(1) Wall or floor mounted;]

15 [(2) Accessible for inspection or service;]

16 [(3) Ensure not located in hazardous area;]

17 [(4) Install as per manufacturer's requirements.]

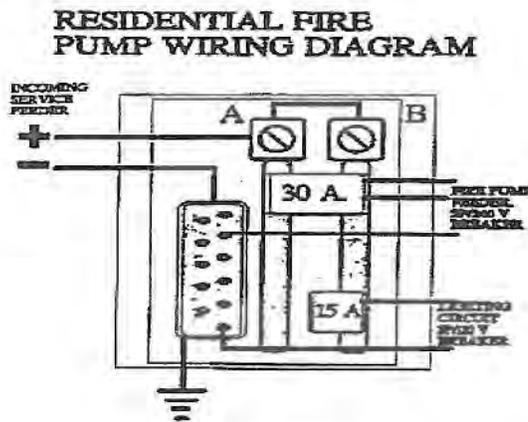


Figure 324.6.1

18 Section R-313 is deleted.

19 **Sec. 4-247. [Foundations; Section R-403, Footings.] Swimming Pools, Spas and Hot Tubs:**
20 **Section R-327, Barrier Requirements.**

21 [Section R-403.1.4 is amended to read as follows: "Minimum Depth." All exterior footings
22 and foundation systems shall extend below the frost line. All exterior footings shall be placed at
23

thirty (30) inches below the undisturbed ground.]

[Exception: Frost-protected footings constructed in accordance with Section R-403.3 and footings and foundations erected on solid rock shall not be required to extend below the frost line. In Seismic Design Categories D1 and D2, interior footings supporting bearing or bracing walls and cast monolithically with a slab on grade shall extend to a depth of not less than eighteen (18) inches below the top of the slab.] Section R-327.1, Outdoor Swimming Pool. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a barrier which shall comply with the following: The top of the barrier shall be at least six (6) feet above grade measured on the side of the barrier which faces away from the swimming pool.

Sec. 4-249. Foundations; Section R-403, Footings.

(a) The following amendments, additions, and/or deletions are to Section R-403 of the International Residential Code:

(1) Section R-403.1.1.1 [is added to read as follows:] Continuous footings supporting the basement walls that are constructed with concrete masonry blocks must have a minimum of three (3) No. 5 rebars at the upper portion, placed two (2) inches from top of the footing. Those rebars must be held in place by No. 3 holding bars spaced at forty-eight (48) inches on center.

(2) Continuous wall footings shall not be less than sixteen (16) inches wide and eight (8) inches thick.

(3) Section R-403.1.4 [is amended to read as follows: "] ,R-403.1.4 Minimum Depth.["] All exterior footings and foundation systems shall extend below the frost line. All exterior footings shall be placed at thirty (30) inches below the finished grade.

[Exception: Frost-protected footings constructed in accordance with Section R-403.3 and footings and foundations erected on solid rock shall not be required to extend below the frost line. In Seismic Design Categories D1 and D2, interior footings supporting bearing or bracing walls and cast monolithically with a slab on grade shall extend to a depth of not less than eighteen (18) inches below the top of the slab.]

(4) [Section R-403.2, titled "Footings for wood foundations" is deleted.] Section R-403.1.6, "the maximum spacing of one-half (½) inch diameter anchor bolts is amended to be four (4) feet."

(5) Section R-403.2, titled "Footings for wood foundations" is deleted.

1 **Sec. 4-250. [Building Planning; Section R-313, Automatic Fire Sprinkler System.]**

2 **Foundations; Section R-404, Foundations and Retaining Walls.**

3 (a) [Section R-313 is deleted.] The following amendments, additions, and/or deletions are
4 to Section R-404 of the International Residential Code:

5 (1) Section R-404.1.1, Design Loads. In addition to other applicable loads, the
6 basement walls shall be designed for the at-rest pressure (lateral soil load) as described in Table
7 1610.1 of the 2015 International Building Code.

8 (2) Section R-404.1.2, Design of Concrete Masonry. Design of concrete masonry
9 unit (CMU) walls shall conform to the Building Code Requirements for Masonry Structures
10 (ACI 530/TMS 402) Chapters 1, 2 and 3. Minimum horizontal joint reinforcement consisting of
11 not less than two continuous wires each with a minimum cross-sectional area of 0.017 square
12 inch (9 gage) shall be provided in horizontal bed joints spaced not more than every second
13 course vertically. For basement walls subjected to lateral earth pressure, minimum vertical
14 reinforcement shall consist of one No. 5 rebar (ASTM A615 grade 60) spaced not more than
15 sixteen (16) inches (for nominal 8", 10" or 12" walls). Cells having vertical reinforcement shall
16 be filled with concrete or masonry grout meeting the requirement of ASTM C476. Vertical steel
17 reinforcement shall be placed not more than 2 inches from the inside face of the walls.

18 (3) Section R-404.1.3, Design of Concrete Walls. Design of concrete walls subjected
19 to lateral earth pressure shall conform to the Building Code Requirements for Reinforced
20 Concrete (ACI 318-14) Chapter 10. Minimum reinforcement in each direction shall not be less
21 than that required by Chapter 7 (i.e. for ASTM A615 grade 60, No. 4@14" for 8-inch thick, No.
22 4@12" for 10-inch thick, and No. 4@10" for 12-inch thick wall). For design of concrete walls
23 subjected to lightly loaded lateral earth pressure (4 feet or less of unbalanced backfill) or
24 concrete walls with insignificant stress components (for example, stresses reduced by mean of
25 wall stiffeners) the ACI 318-14 Chapter 22 may be used to determine the amount of
26 reinforcement required.

27 **Sec. 4-251. Foundations; Section R-405, Foundation Drainage.**

28 (a) The following amendments, additions, and/or deletions are to Section R-405 of the
29 International Residential Code:

30 (1) Section R-405.1.2 [is added to read as: "R-405.1.2], Subsoil Drainage Systems.
31 Subsoil drains shall be required for all buildings having basements, cellars, crawl spaces, or

1 floors below grade. Subsoil drains shall be located inside and outside of the foundation and shall
2 be installed at or below the area to be protected. Drains shall discharge by gravity or mechanical
3 means into an approved drainage system.["]

4 (2) Section R-405.1.3 [is added to read as: "R-405.1.3], Sump Pumps and Pits. Where
5 subsoil drains do not discharge by gravity, the drains shall discharge to an accessible sump pit
6 with an automatic electric pump. A battery back-up or water-powered back-up sump pump will
7 also be provided. The sump pit shall be a minimum of twenty-four (24) inches in diameter or
8 eighteen (18) inches square and twenty-four (24) inches in depth, and be provided with a fitted
9 cover. The sump pump shall have adequate capacity to discharge all water coming into the sump
10 as it accumulates but in no case shall the capacity of the pump be less than fifteen (15) gallons
11 per minute. The discharge from the pump shall be a minimum of one and one-fourth (1 ¼)
12 inches and shall have a union in the discharge piping to make the pump accessible for servicing.
13 Subsoil drains and sump pump discharge may discharge to a properly graded open area provided
14 the point of discharge is ten (10) feet from any property line or Building Restriction Line (BRL).
15 Where a continuously flowing spring or high groundwater table is encountered during the design
16 stage, basement floors shall be designed at least two and one-half (2.5) feet above the
17 groundwater's highest detected level. Alternatively pre-approved methods of permanent
18 dewatering shall be provided, and the groundwater level shall be verified again before
19 construction. If such condition is encountered by the County and subsoil [and sump pump
20 discharge lines] drains are pre-approved by the County; these drains must be piped to a storm
21 drain or approved [water course] outfall where they shall be fitted. When piped to a storm drain
22 all drainage lines shall [be provided with] include an accessible backwater valve.["] Residential
23 sump pumps are not to be relied on for lowering high groundwater table.

24 (3) Section R-405.1.4 [is added to read as: "R-405.1.4], Areaway Drains. All open
25 subsurface space adjacent to a building serving as an exit or entrance shall be provided with a
26 drain or drains. Such areaway drains shall be of approved material in accordance with Chapter
27 30 of this Code and not less than 2 inches in diameter and shall discharge by gravity or
28 mechanical means in accordance with R-405.1.2. Areaway drains for areas exceeding 800
29 square feet shall be sized in accordance with Section 1113 of the 2006 International Plumbing
30 Code.["]

1 (4) Section R-405.1.5 [is added to read as: "R-405.1.5], Window Well Drains.
 2 Window well areaways shall have drains. Window well areaways 10 square feet or less may
 3 discharge to the subsoil drain through a 2-inch minimum diameter pipe. Drains for window well
 4 areaways greater than 10 square feet shall be installed in accordance with Section R-405.1.3.["]

5 (5) Section R-405.1.6 [is added to read as: "R-405.1.6], Foundation Weep Holes.
 6 Where subsoil drains are required by Section R-405.1.1, foundations of hollow core masonry
 7 shall have foundation weep holes. Weep holes shall be placed a maximum of 4-foot o/c intervals
 8 and shall discharge into the aggregate of the interior subsoil drainage system.["]

9 (6) Section R-405.1.7 [is added to read as follows: "R-405.1.7], Site Grading. The
 10 ground immediately adjacent to the foundation shall be sloped away from the building at a slope
 11 of not less than one unit vertical in 12 units horizontal (1:12) for a minimum distance of 5 feet
 12 (914 mm) measured perpendicular to the face of the wall or an approved alternate method of
 13 diverting water away from the foundation shall be used. Consideration shall be given to the
 14 possible additional settlement of the backfill when establishing the final ground level adjacent to
 15 the foundation.["]

16 (7) Section R-405.2, titled "Wood foundations" is deleted in its entirety.

17 **Sec. 4-253. Engineered Floor Truss Systems; Section [R-326] R-502.8.3, Protection of**
 18 **Structural Members.**

19 (a) Section [R326.1 is added to read as follows: "Protection of Truss Framing Members."]
 20 R-502.8.3, Protection of Truss Framing Members. All combustible truss framing members
 21 which comprise a portion of a nonrated floor assembly shall be protected by the installation of a
 22 ceiling. The ceiling material shall not be less than one-half (1/2) inch gypsum board or an
 23 approved equivalent alternative material. The ceiling must be adequately supported by direct
 24 mechanical fastening to the structural framing or be suspended by not less than No. 12 MSG
 25 galvanized steel wire or by an equivalent method. Where combustible truss joist framing is used
 26 as a portion of a required rated floor-ceiling assembly, the structural members shall be protected
 27 in accordance with an appropriate tested and listed design.

28 **Exceptions:**

29 (1) Buildings protected throughout, excluding crawlspaces less than forty-two (42)
 30 inches in depth by an automatic sprinkler system; and

1 (2) Crawl spaces of not more than forty-two (42) inches in depth, measured from the
2 top of the floor surface above to the surface of the crawl space floor.

3 **SUBDIVISION 5. INTERNATIONAL ENERGY CONSERVATION CODE.**

4 **Sec. 4-258. Electrical Power and Lighting Systems (Mandatory). [C504.2.2.2. Occupancy**
5 **Sensors] C405.2.1 Occupant Sensor Controls.**

6 Section [C405.2.2.2 is amended to read as follows: Occupancy sensors] C405.2.1 Occupant
7 sensor controls shall be installed in all classrooms, conference/meeting rooms, employee lunch
8 and break rooms, private offices, restrooms, storage rooms, janitorial closets, enclosed stairways,
9 and other spaces 300 square feet (28m²) or less enclosed by floor-to-ceiling height partitions.
10 These automatically turn off lights within 30 minutes of all occupants leaving the space, and
11 shall turn the lighting on to not more than 50 percent power.

12 **Sec. 4-259. Electrical Power and Lighting Systems (Mandatory). [C405.2.3] C405.2.4.**
13 **Specific Application Controls.**

14 Section [C405.2.3 is amended to read as follows:] C405.2.4 7. Lighting for parking areas
15 shall have automatic controls so that after 15 minutes of non-activity, lighting power density can
16 be reduced by 30 percent.

17 **Sec. 4-260. Electrical Power and Lighting Systems (Mandatory). [C405.8] C405.10. Solar**
18 **Energy Systems.**

19 Section [C405.8. is added to read as follows:] C405.10. Provide adequate on-site access
20 for solar energy systems and provide interconnection pathways to building distribution.
21 Documentation must be provided through construction documents and the main electrical service
22 panel.

23 **Sec. 4-261. Additional Efficiency Package Options. [C406.4] C406.5. On-site Renewable**
24 **Energy.**

25 Section [C406.4 is amended to read as follows:] C406.5. Total minimum ratings of on-site
26 renewable energy systems shall comply with one of the following: 1. Provide not less than 1.75
27 Btu (1850 W), or not less than 0.50 watts per square foot (5.4 W/m²) or conditioned floor area.
28 2. Provide not less than 5 percent of the energy used within the building for building mechanical
29 and service water [heating] heating equipment and lighting regulated in this chapter.

30 **Sec. 4-263. Additional Efficiency Package Options. [C406.6] C406.9. Water Heating Needs.**

31 Section [C406.6 is added to read as follows:] 406.9. Hotels, motels, hospitals, restaurants,

1 buildings with residential occupancies, building with laundry facilities or other high process
 2 service water heating needs or buildings showing a service hot water load of 10 percent or more
 3 of total building energy shall provide at least forty [40] percent (40%) of hot water through
 4 instantaneous or tankless fuel-fired water heating systems, waste heat recovery from equipment
 5 or Combined Heat and Power (CHP), solar water heating system.

6 **DIVISION 5. ADMINISTRATIVE PROVISIONS.**

7 **Sec. 4-345. Requirements for Grading, Building Construction, Removal, etc., generally.**

8 (a) The regulations contained in this Subtitle and the provisions of its Divisions jointly
 9 construed shall control all matters concerning grading, drainage, and erosion control, and the
 10 construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and
 11 maintenance of all buildings and structures and their service equipment, and shall apply to
 12 existing or proposed buildings and structures in the County, except such matters as are otherwise
 13 provided for in the Prince George's County Code, in the rules and regulations pertaining to the
 14 Washington Suburban Sanitary District as lawfully adopted by the Washington Suburban
 15 Sanitary Commission pursuant to the authorities contained in its organic statute, in Subtitle 27 of
 16 this Code adopted by the Prince George's County Council sitting as the District Council for that
 17 part of the Maryland-Washington Regional District in the County, as the same may from time to
 18 time be amended and in all laws having general application in the County under the public
 19 general and public local laws of the State, as well as rules and regulations of Maryland State
 20 departments or agencies.

21 * * * * *

22 (g) The [Building Official] Director or the Director's designee shall make a determination,
 23 based on normal construction procedures as evidence by progress determined from comparable
 24 projects, as to the reasonableness of the applicant's estimated completion date for his building or
 25 structure. If the [Building Official] Director or the Director's designee determines that the
 26 applicant's time estimate is unreasonable, he shall advise the applicant, in writing, as to his
 27 reasons for such a determination. The applicant shall then be given the opportunity to either
 28 justify his previous estimate or to submit a new estimate. If the [Building Official] Director or
 29 the Director's designee still considers the applicant's estimate to be unreasonable, then the
 30 applicant shall have recourse to the Board of Appeals for Prince George's County to challenge
 31 the [Building Official's] Director's or the Director's designee's determination. The [Building

1 Official] Director or the Director's designee shall then compare the estimated completion dates
 2 with the dates given for the availability of water supply or sewerage systems to insure that the
 3 availability date is not later than the estimated completion date for the building or structure for
 4 which the building permits are requested.

5 * * * * *

6 (i) No building permit shall be issued until such time as provisions have been made and
 7 approved for the improvement of adjacent or abutting streets, or provisions for their
 8 improvement have been accomplished under the provisions of Subtitle 23, or the regulations of
 9 the appropriate municipality when such permit is requested for work to be accomplished within a
 10 municipality. The [Building Official] Director or the Director's designee is hereby authorized
 11 and directed to assist in the enforcement of such statutes, ordinances, and regulations to the full
 12 extent of the powers delegated to him in this Division.

13 * * * * *

14 **Sec. 4-352. Fee Schedule.**

15 * * * * *

16 (i) **Miscellaneous Building Permit Fees:** Beginning with the fiscal year 2009, and every
 17 fiscal year thereafter, the Director [of the Department of Permitting, Inspections, and
 18 Enforcement] or the Director's designee shall submit a schedule of miscellaneous permit fees to
 19 the County Council for adoption by resolution. The schedule shall specify the amounts of the
 20 fees contained in this subsection (i) and may contain other provisions concerning fee
 21 administration. The fee adjustments shall reflect, at a minimum, the annual average increase in
 22 the Consumer Price Index for all urban consumers published by the United States Department of
 23 Labor, for the fiscal year preceding the year for which the amount is being calculated. The
 24 permit fees may be adjusted using a method established by the International Code Council's
 25 Building Safety Journal at the time of the adjustment, provided that the adjustments meet the
 26 minimum requirement stated above. The fees shall be rounded to the nearest Five Dollar
 27 increment.

- 28 (1) Minimum Permit Fee.
 - 29 (A) One- and Two-Family Dwellings.
 - 30 (B) Commercial Buildings.
- 31 (2) Filing Fee.

- 1 (3) Re-Inspection.
- 2 (A) One- and Two-Family Dwellings.
- 3 (B) Commercial Buildings.
- 4 (4) Inspection After Hours.
- 5 (5) Permit Revision/Modification.
- 6 (6) Use and Occupancy.
- 7 (A) One- and Two-Family Dwellings.
- 8 (B) Commercial Buildings.
- 9 (C) Investigation for Partial Occupancy.
- 10 (7) Plans Revision.
- 11 (A) One- and Two-Family Dwellings.
- 12 (B) Commercial Buildings.
- 13 (8) Finishing Basement (One- and Two-Family Dwellings).
- 14 (9) Renewing a Permit.
- 15 (A) One- and Two-Family Dwellings.
- 16 (B) Commercial Buildings.
- 17 (10) Private In-Ground Pool.
- 18 (11) Private Above-Ground Pool.
- 19 (12) Commercial Swimming Pools.
- 20 (13) Raze Permits.
- 21 (A) One- and Two-Family Dwellings.
- 22 (B) Commercial Buildings.
- 23 (14) Moving a Building.
- 24 (15) Revising Permit Applications.
- 25 (16) Elevators.
- 26 (17) Chair Lift.
- 27 (18) Fence Permit.
- 28 (19) Decks.
- 29 (20) Gazebos.
- 30 (21) Change of Ownership.
- 31 (22) Temporary Use and Occupancy.

- 1 (23) Partial Use and Occupancy.
- 2 (24) Special Investigation.
- 3 (25) Accessory Buildings such as Sheds, 150 Square Feet and Larger.
- 4 (26) Accessory Buildings such as Sheds, Smaller than 150 Square Feet.
- 5 (27) Sunrooms, Porches and Garages (attached or detached).
- 6 (28) Carports.
- 7 (29) Fire Damage.
- 8 (30) Driveways.
- 9 (31) Mobil/Replacement Homes.
- 10 (32) Fireplaces (One- and Two-Family Dwellings).
- 11 (33) Retaining Walls, Two Feet and Taller.
- 12 (34) Patios, Five Hundred Square Feet and Larger.
- 13 (35) Patios, under Five Hundred Square Feet.
- 14 (36) Pole Bases.
- 15 (37) Awnings.
- 16 (38) Open Pit.
- 17 (39) Waterproofing.
- 18 (40) Wheelchair Ramps.
- 19 (41) Roofing.
- 20 (42) Satellite Dishes, Two Feet in Diameter and Larger.
- 21 (43) Observation Stands.
- 22 (44) Solar Panels.
- 23 (45) Freestanding Signs.
- 24 (46) Wall Mounted Signs.
- 25 (47) Tanks, Above or Under Ground.
- 26 (48) Telecommunications Antennas.
- 27 (49) Telecommunications Towers.
- 28 (50) Electrical.
- 29 (51) Mechanical.
- 30 (52) Fire PROTECTION.
- 31 (A) Sprinkler Heads.

- (i) Residential Buildings (One- and Two-Family Dwellings).
- (ii) Commercial Buildings.

(B) Fire Alarms.

* * * * *

[(1) Stormwater Management Fee-In-Lieu: The fees-in-lieu authorized in Section 4-324 (b) of this Code shall be as follows:]

[(1) The standard fee shall be as set forth in the table below, which is based upon the percentage of area which typically becomes impervious to infiltration when the property is developed as zoned, multiplied by \$8,000.]

| Zone | Percentage of Impervious | Fee/Dwelling Unit | Fee/Acre (Special Exceptions) |
|---------|--------------------------|-------------------|-------------------------------|
| O-S | 1.0 | -- | \$ 160 |
| R-A | 1.5 | -- | 240 |
| R-E | 12.0 | \$ 750 | 1920 |
| R-R | 18.0 | 750 | 2880 |
| R-80 | 22.0 | 750 | 3520 |
| R-55 | 26.0 | 750 | 4160 |
| R-35 | 40.0 | 750 | 6400 |
| R-T | 50.0 | 750 | 8000 |
| R-20 | 50.0 | 750 | 8000 |
| R-30 | 50.0 | 750 | 8000 |
| R-18 | 55.0 | 750 | 8800 |
| R-H | 75.0 | 250 | 12,000 |
| R-10 | 75.0 | 250 | 12,000 |
| I-1 | 80.0 | -- | 12,800 |
| I-2 | 80.0 | -- | 12,800 |
| I-3 | 75.0 | -- | 12,000 |
| I-4 | 70.0 | -- | 11,200 |
| C (All) | 90.0 | -- | 14,400 |

[(2) Fees for Comprehensive Design Zones or any other zones not included in this schedule will be the fees for the zone(s) that most closely approximates the proposed land use.]

[(3) Fee Reductions and Credits]

[(A) A one-third reduction in the assessed fee will be made for each of the following on-site stormwater measures that the applicant is required to provide:]

- [(i) Water quality management or LID;]

1 [(ii) One year extended detention or LID; or]
2 [(iii) Flood control facilities (10-year or 100-year stormwater
3 management).]

4 [(B) The Director may reduce the fee:]

5 [(i) To an amount based on the actual impervious area if the site plan
6 approved by the Planning Board provides that the impervious area of the development will be
7 less than the maximum allowed under the County's zoning regulation, and the applicant
8 demonstrates that future increases in the impervious area are unlikely. For residential zones, the
9 fee reduction will be proportioned on a dwelling unit basis at a maximum of Seven Hundred
10 Fifty Dollars (\$750.00) per dwelling unit. The fee reduction will be calculated using a formula
11 of Actual Impervious Acreage x \$16,000.00;]

12 [(ii) To reflect the cost of land which the applicant agrees to provide
13 for a regional stormwater facility;]

14 [(iii) To exclude undevelopable area (i.e., floodplains) or areas
15 requiring a subsequent stormwater management concept plan from the fee computation for
16 industrial and commercial developments; or]

17 [(iv) To the actual cost of providing on-site controls to the extent that
18 the applicant can demonstrate such actual costs to the satisfaction of the Director.]

19 [(m)Woodland Conservation Fee-in-Lieu: If required by an approved Type 2 Tree
20 Conservation Plan, the woodland conservation fee-in-lieu as provided for in Division 2 of
21 Subtitle 25, shall be collected by the County prior to the issuance of the first permit unless the
22 project is phased. Phased projects may pay the fee-in-lieu amount for each phase prior to
23 issuance of any permits for that phase if the entire fee is not paid prior to issuance of the first
24 permit. The TCP2 shall show the breakdown of the fee-in-lieu payment due with each phase.]

25 * * * * *

26 SECTION 2. BE IT ENACTED by the County Council of Prince George's County, Maryland,
27 that Sections 4-216, 4-217, 4-218, 4-219, 4-222, 4-223, 4-224, 4-254 and 4-255 of the Prince
28 George's County Code be and the same are hereby repealed:

29 **SUBTITLE 4. BUILDING.**

30 **DIVISION 1. BUILDING CODE.**

31 **SUBDIVISION 2. AMENDMENTS TO THE INTERNATIONAL BUILDING CODE.**

1 **[Sec. 4-216. Special Construction; Section 3103, Temporary Structures.]**

2 [(a) Section 3103.5 is amended to read as follows: "Certification." An affidavit or
3 affirmation shall be submitted to the Code Official and a copy retained on the premises on which
4 the tent or air-supported structure is located. The affidavit shall attest to the following
5 information relative to the flame-resistance of the fabric:]

6 [(1) Names and addresses of the owners of the tent or air-supported structure;]

7 [(2) Date the fabric was last treated with flame resistant solution;]

8 [(3) Trade name or kind of chemical used in treatment;]

9 [(4) Name of person or firm treating the material; and]

10 [(5) Name of testing agency and test standard by which the fabric was tested.]

11 **[Sec. 4-217. Special Construction; Section 3104, Pedestrian Walkways and Tunnels.]**

12 [Section 3104.3 is amended to read as follows: "Construction." The pedestrian walkway
13 shall be of noncombustible construction.]

14 **[Sec. 4-218. Special Construction; Section 3108, Radio and Television Antennae.]**

15 [(a) Section 3108.6 is amended to read as follows: No satellite dish antennae greater than
16 twenty-four (24) inches in diameter or twenty-five (25) inches in length, fifteen (15) inches in
17 width and ten (10) inches in height may be installed or erected without obtaining a building
18 permit, except as provided in this Section. An application for a permit shall be accompanied by
19 detailed drawings of the antenna structure and methods of anchorage. All connections to a roof
20 shall be properly flashed to maintain water tightness. All antennae must meet manufacturers'
21 specifications, be of noncombustible and non-corrosive materials, and be erected in a secure,
22 wind-resistant manner. An electrical permit shall be required for all installations in accordance
23 with the requirements of Subtitle 9 of the County Code. A satellite dish antenna which is
24 designed to be installed on a flat roof may be installed or erected without obtaining a building
25 permit under the following conditions:]

26 [(1) The antenna requires no mechanical penetration of the roof structure;]

27 [(2) The permissible loading of the roof is not exceeded; and]

28 [(3) The maximum diameter is twenty-four (24) inches or the maximum dimensions
29 are twenty-five (25) inches in length, fifteen (15) inches in width and ten (10) inches in height.]

30 **[Sec. 4-219. Special Construction; Section 3108, Radio and Television Towers.]**

31 [Section 3108.5 is amended to read as follows: "Grounding." Towers shall be permanently

1 and effectively grounded according to Subtitle 9 of the County Code entitled, "Electricity."]

2 **[Sec. 4-222. Safeguards During Construction; Section 3303, Demolition.]**

3 [(a) Section 3303.7 is hereby added to read as follows: "Restoration of Lot." Restoration
4 shall meet the minimum requirements of grading, drainage, sediment and erosion control and
5 stormwater management as specified in Division 2 and Division 3 of Subtitle 32 of the County
6 Code.]

7 [(b) Section 3304.1.5 is added to read as follows: "Fences." Whenever an excavation is
8 made to a depth of three (3) feet or more, the owner of the premises or the one causing such
9 excavation when it is determined that such excavation would be a hazard, shall erect a fence or
10 other barricade as required by the Building Official.]

11 [(c) Section 3304.1.6 is added to read as follows: "Minimum Requirements." Whenever
12 the requirements of this Section for any category of site work conflict with the minimum
13 requirements of the grading, drainage, sediment and erosion control and stormwater management
14 as specified in Division 2 and Division 3 of Subtitle 32 of the County Code, the more restrictive
15 requirement shall apply.]

16 [(d) Section 3307.2 is added to read as follows: "Protection Responsibility." The person
17 who causes any excavation to be made, if afforded the necessary license to enter the adjoining
18 premises, shall preserve and protect from injury at all times and at his own expense such
19 adjoining structure or premises which may be affected by the excavation. If the necessary
20 license is not afforded, it shall be the duty of the owner of the adjoining lot, building, or structure
21 to make safe his or her own property, for the prosecution of which said owner shall be granted
22 the necessary license to enter the premises of the demolition or excavation.]

23 [(e) Section 3307.3 is added to read as follows: "Restoration of Lot." Where a structure
24 has been demolished or removed and a building permit has not been approved, the vacant lot
25 shall be filled, graded, and maintained in conformity to the established elevation of the street
26 grade at curb level nearest to the point of demolition or excavation. Provision shall be made to
27 prevent the accumulation of water or damage to any foundations on the premises or the adjoining
28 property.]

29 [Such restoration shall meet the minimum requirements of the grading, drainage, sediment and
30 erosion control, and stormwater management as specified in Division 2 and Division 3 of
31 Subtitle 32 of the County Code.]

1 **{Sec. 4-223. Safeguards During Construction, Section 3313, Accessibility for Emergency**
 2 **Vehicles.}**

3 **{SECTION 3313**

4 **ACCESSIBILITY FOR EMERGENCY VEHICLES}**

5 {Section 3313.1 is added to read as follows: "Accessibility for Emergency Vehicles During
 6 Construction Operations." At the beginning of construction operations and during construction,
 7 the contractor shall provide and maintain at all times a minimum twelve (12) foot wide vehicular
 8 access roadway that will allow unimpeded access by fire and emergency rescue vehicles from the
 9 improved street to within two hundred (200) feet of the most remote building under construction
 10 on the site. The vehicular access roadway surface shall be of a compacted material of stone,
 11 blacktop or other suitable material to support a twenty (20) ton vehicle under all weather
 12 conditions.}

13 **[Sec. 4-224. Existing Structures; Section 3401, General.]**

14 [Section 3401.1 is amended to read as follows: "Scope." The provisions of this Chapter
 15 shall control the alteration, repair, addition and change of occupancy of existing structures.]

16 [Exception: 2006 International Existing Building Code (IEBC), adopted as the Maryland
 17 Rehabilitation Code, COMAR 05.16.01, effective July 16, 2007 shall apply to the rehabilitation
 18 of existing buildings in Prince George's County by written request.]

19 **SUBDIVISION 4. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS.**

20 **[Sec. 4-254. Building Planning; Section R-312, Guards and Window Fall Protection.]**

21 [Section R-312.1.1 is amended to read as follows: Guardrails shall be located along open-
 22 sided walking surfaces, including retaining walls, floors, balconies, decks, stairs, ramps and
 23 landings that are located more than 30 inches (measured vertically) above the grade or floor
 24 below.]

25 **[Sec. 4-255. Swimming Pools, Spas, and Hot Tubs; Section R-327, Barrier Requirements.]**

26 [Section R-327.1 is added to read as follows: "Outdoor Swimming Pool" An outdoor
 27 swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be
 28 surrounded by a barrier which shall comply with the following: The top of the barrier shall be at
 29 least six (6) feet above grade measured on the side of the barrier which faces away from the
 30 swimming pool.]

31 SECTION 3. BE IT ENACTED by the County Council of Prince George's County, Maryland,

1 that Sections 4-104, 4-143, 4-152, 4-240.1, 4-243, 4-248 and 4-252 of the Prince George's
 2 County Code be and the same are hereby added:

3 **SUBTITLE 4. BUILDING.**

4 **DIVISION 1. BUILDING CODE.**

5 **SUBDIVISION 1. ADOPTION BY REFERENCE.**

6
 7 **Sec. 4-104. Application of Administrative Provisions.**

8 The administrative provisions of the International Building Code, as amended, Sections
 9 4-106 through 4-121 shall control all administrative matters related to construction of buildings.
 10 These provisions shall be applicable to the standards adopted in Section 4-101 and shall be
 11 construed to be in concert as if they were set out in the administrative provisions of those
 12 standards. Where a conflict arises, the provisions of the sections here-in amended by the County
 13 shall control.

14 **SUBDIVISION 2. AMENDMENTS TO THE INTERNATIONAL BUILDING CODE.**

15 **Sec. 4-143. General Building Heights and Areas; Section 509, Incidental Uses.**

16 The following additions are made to Table 509 of the IBC:

| Room or Area | Separation and/or Protection |
|--|------------------------------|
| Storage areas ¹ over 50 square feet not in an S or F | 1 hour or Sprinkler |
| Storage areas ¹ over 100 square feet not in an S or F | Sprinkler |

17 ¹ Storage areas include walk-in freezers and refrigerators.

18 **Sec. 4-152. Floor and Roof Assemblies; Section 711, Dwelling Units and Sleeping Units.**

19 The following deletions are made to Sections 711.2.4.3 of the IBC: Delete the Exception.

20 **SUBDIVISION 4. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO- FAMILY DWELLINGS.**

21 **Sec. 4-240.1 Building Planning; Sec. R-302, Fire Resistant Construction.**

22 (a) Section R-302.2.2, Parapets. Parapets constructed in accordance with Section R-
 23 302.2.3 shall be provided for townhouses as an extension of common exteriors or walls in
 24 accordance with the following:

25 (1) Where roof surfaces adjacent to the wall or walls are at the same elevation, the
 26 parapet shall extend not less than thirty (30) inches above the roof surfaces; and

27 (2) Where roof structures adjacent to the wall or walls are at different elevations and
 28 the higher roof is not more than thirty (30) inches above the lower roof, the parapet shall extend

1 not less than thirty (30) inches above the lower roof surface.

2 Exception: A parapet is not required in Subsections (1) and (2) of this Section when
 3 townhouses are provided with residential sprinkler systems installed in accordance with Section
 4 903 of the IBC, or when the roof is covered with a minimum Class C roof covering and the roof
 5 decking or sheathing is of noncombustible materials or approved fire-retardant treated wood for
 6 a distance of four (4) feet on each side of the wall or walls, or one layer of five-eighths (5/8)
 7 inch, or Type X gypsum board is installed directly beneath the roof decking or sheathing for a
 8 distance of four (4) feet on each side of the wall or walls.

9 (3) A parapet is not required where roof surfaces adjacent to the wall or walls are at
 10 different elevations and the higher roof is more than thirty (30) inches above the lower roof. The
 11 common wall construction from the lower roof to the underside of the higher roof deck shall not
 12 have less than a one (1) hour fire-resistive rating. The wall shall be rated for exposure from both
 13 sides.

14 **Sec. 4-243. Building Planning; Section R-311, Means of Egress.**

15 (a) Section R-311.4.5, Minimum Number of Exits in Existing One-and-Two Family
 16 Dwellings. One- and two-family dwellings that undergo basement improvements for which a
 17 building permit is required shall have a minimum of two (2) exits. All basements and cellars,
 18 must have a basement or cellar exit door or an emergency escape and rescue opening leading
 19 directly to the outside grade and additionally an interior stair leading to the primary means of
 20 egress of the dwelling unit.

21 (b) Section R-311.7.5, Stair Treads and Risers. The maximum riser height shall be eight
 22 and one-fourth (8 1/4) inches, and the minimum tread depth shall be nine (9) inches. The riser
 23 height shall be measured vertically between the vertical planes of the foremost projection of
 24 adjacent treads and at a right angle to the tread's leading edge. The walking face of treads and
 25 landings of a stairway shall be sloped no steeper than one (1) unit vertical in forty-eight (48)
 26 units horizontal two percent (2% slope). The greatest riser height within any flight of stairs shall
 27 not exceed the smallest by more than three-eighths (3/8) inch. The greatest tread depth within
 28 any flight of stairs shall not exceed the smallest by more than three-eighths (3/8) inch.

29 **Sec. 4-248. Building Planning; Section R-328, Fire Protection Systems.**

30 (a) Section R-328.1, Automatic Sprinkler System Requirement for New One and Two
 31 Family Dwellings and Industrialized Buildings (Modular and Manufactured Homes to be utilized

1 as a new One and Two Family Dwelling). This Section, R-328, supersedes Section R-313 of the
 2 IRC. An automatic sprinkler system shall be provided throughout new one and two family
 3 dwelling, including industrialized (modular) and manufactured homes, installed as
 4 manufactured homes after December 31, 2010. The following reductions in construction
 5 requirements are permitted when a one or two family dwelling is fully sprinklered:

6 (1) A basement exit to grade is not required;

7 (2) A second exit from the dwelling is not required;

8 (3) Escape windows from sleeping rooms and basements (habitable or non-habitable)
 9 will not be required to meet any size except that at least one (1) window shall be provided from
 10 each sleeping room and basement which may be opened from the inside without the use of tools
 11 or keys:

12 (4) Trusses are not required to be provided with a fire-resistive ceiling membrane;

13 and

14 (5) Fire separations may be reduced from two (2) hours to one (1) hour rating and
 15 may be constructed with combustible framing. The one (1) hour rated fire separation wall need
 16 not be able to withstand collapse of construction on either side under fire conditions.

17 (b) Section R-328.2, Connection from Sprinkler Systems. A connection from a sprinkler
 18 system designed in accordance with NFPA 13D to a single remote commode (water closet) shall
 19 be permitted. Such connection shall be from the sprinkler system piping to the water closet
 20 supply piping.

21 (c) Section R-328.3, Sprinklers for Repair, Renovation or Replacement of Structures or
 22 Additions. Structures that replace structures that undergo a complete demolition (exclusive of
 23 the foundation) shall be required to be fully sprinklered. Additions to existing structures which
 24 exceed one hundred percent (100%) of the total floor (square footage) of the existing structures
 25 will cause the altered structure (addition plus existing structure) to be fully sprinklered.

26 (d) Section R-328.4, Sprinklers for Additions. All enclosed or habitable additions to an
 27 existing sprinklered one or two family dwelling, including industrialized (modular and
 28 manufactured) homes must also be fully sprinklered.

29 (e) Section R-328.5, Location and Performance of Fire Hydrants. Every building of more
 30 than one thousand (1,000) square feet in an area shall be provided with sufficient fire hydrants
 31 located such that no exterior portion of the building is located more than five hundred (500) feet

1 from a fire hydrant. The distance shall be measured as a hose line would be laid along paved
 2 streets, through parking lot entrances, and around obstructions, in accordance with the
 3 determination of the authority having jurisdiction. For multiple single family dwellings
 4 (townhouses), provide a fire hydrant within five hundred (500) feet of all exterior portions of the
 5 building, as hose is laid. Each hydrant shall provide a minimum of one thousand (1,000) gpm at
 6 a residual pressure of twenty (20) psi.

7 Exception: An approved alternate water supply source may be acceptable in areas not
 8 served by a public water supply. In addition, a fire hydrant is not required to be situated within
 9 two hundred (200) feet of any required fire department connection that is intended to supply an
 10 automatic fire sprinkler system that has been retrofitted into an existing building of any use
 11 group, provided that the area of the building has not been increased in size or the use group
 12 classification has not been changed to require an automatic fire suppression system under any
 13 other provision of this Division.

14 (f) Section R-328.6, Booster Pump for Automatic Sprinklers. Where a booster pump is
 15 required for the water supply to the automatic sprinklers, the pump driver shall follow the
 16 requirements of this Section. FIRE PROTECTION USE ONLY

17 (g) Section R-328.6.1, Water Pressure and Volume Boost with Standard Drip Proof Pump
 18 Drive. Water pressure and volume boost with standard drip proof pump drive shall be installed
 19 as follows:

20 (1) Circuit breaker switch must be within the visual line-of-sight of the pump. A sub-
 21 panel may be provided within the line-of-sight of the pump, if the main panel is in a remote
 22 location to the pump.

23 (2) Passive electrical supervision to the pump will be accomplished through the
 24 following wiring diagram of either the main or subpanel. See figure R-328.6.1.

25 (h) Section R-328.6.2, Water Pressure and Volume Boost with Totally Enclosed, Fan
 26 Cooled Pump Driver. Water pressure and volume boost with totally enclosed, fan cooled pump
 27 driver shall be installed as follows:

28 (1) Circuit breaker switch must be within the visual line-of-sight of the pump. A sub-
 29 panel may be provided within the line-of-sight of the pump, if the main panel is in a remote
 30 location to the pump.

31 (2) Passive electrical supervision to the pump will be accomplished through the

1 following wiring diagram of either the main or subpanel. See figure R-328.6.1.

2 (i) Section R-328.6.3, Any Pump with a Stored Water Supply. Any pump with a stored
3 water supply shall be installed as follows:

4 (1) Circuit breaker switch must be within the visual line-of-sight of the pump. A sub-
5 panel may be provided within the line-of-sight of the pump, if the main panel is in a remote
6 location to the pump.

7 (2) Passive electrical supervision to the pump will be accomplished through the
8 following wiring diagram of either the main or subpanel. See figure R-328.6.1.

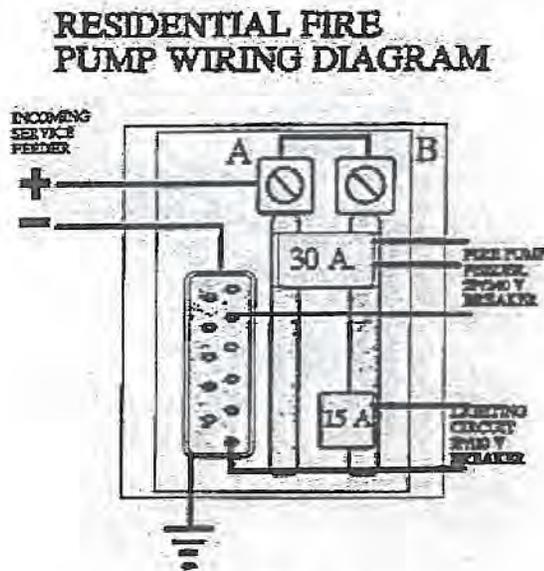


Figure R-328.6.1

9
10 (j) Section R-328.6.4, Combination Use Standard Wiring Method. Any pump on a single
11 circuit shall be installed to be within visual sight of the pump.

12 (k) Section R-328.6.5, Mounting Considerations for Any Pump Serving a Residential
13 Sprinkler System. Any pump serving a residential sprinkler system shall be installed as follows:

- 14 (1) Wall or floor mounted;
15 (2) Accessible for inspection or service;
16 (3) Ensure not located in hazardous area;
17 (4) Install as per manufacturer's requirements.

1 **Sec. 4-252. Floors; Section R-502, Wood Floor Framing.**

2 (a) The following addition is made to Section R-502 of the International Residential
 3 Code:

4 (1) Section R-502.7.2. Floor joists adjacent and parallel to the exterior foundation
 5 wall shall be provided with full-depth solid blocking, not less than two (2) inches nominal in
 6 thickness, placed perpendicular to the joist at spacing not more than four (4) feet. The blocking
 7 shall be nailed to the floor sheathing, the joist and the exterior rim joist/board.

8 **Sec. M1503.4. Make Up Air Required.**

9 (a) The following revision is made to Sec. 1503.4 Make Up Air Required of the
 10 International Residential Code:

- 11 (1) M1503.4. Makeup air required. Exhaust hood systems capable of exhausting [in
 12 excess of] more than 400 cubic feet per minute (0.19m³/s) shall be mechanically or
 13 naturally provided with makeup air at a rate approximately equal to the exhaust air rate
 14 in excess of 400 cubic feet per minute. Such makeup air systems shall be equipped with
 15 not less than one damper. Each damper shall be a gravity damper or an electrically
 16 operated damper that automatically opens when the exhaust system operates. Dampers
 17 shall be accessible for inspection, service, repair and replacement without removing
 18 permanent construction or any other ducts not connected to the damper being inspected,
 19 serviced, repaired or replaced.

20 SECTION 4. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 21 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 22 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 23 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 24 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
 25 Act, since the same would have been enacted without the incorporation in this Act of any such
 26 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
 27 or section.

28 SECTION 5. BE IT FURTHER ENACTED that this Act shall take effect on forty-five (45)
 29 calendar days after it becomes law.

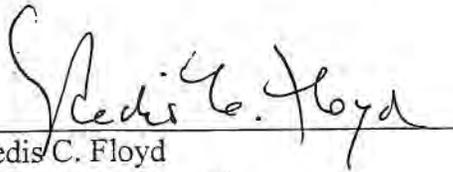
Adopted this 17th day of November, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND



BY: _____
Mel Franklin
Chairman

ATTEST:



Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: November 25, 2015 BY: 
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

* * * * *

Prince George's County Council Agenda Item Summary

Meeting Date: 11/17/2015
Reference No.: CB-090-2015
Draft No.: 3
Proposer(s): County Executive
Sponsor(s): Turner, Lehman, Harrison, Franklin, Taveras, Glaros
Item Title: An Act amending the provisions of the Building Code of Prince George's County to conform to the 2015 Editions of the International Building Code, the International Mechanical Code, the International Energy Conservation Code and the International Residential Code for One- and Two-Family Dwellings.

Drafter: Susan D. Hubbard, DPIE
Resource Personnel: Robbi Das, DPIE
Bellur Ravishankar, DPIE
Karen Spears, DPIE
Edmund Kalie, DPIE

LEGISLATIVE HISTORY:

| | | | |
|----------------------------|--|--------------------------|--------------|
| Date Presented: | 9/29/2015 | Executive Action: | 11/25/2015 S |
| Committee Referral: | 9/29/2015 - THE | Effective Date: | 1/11/2016 |
| Committee Action: | 10/15/2015 - FAV(A) | | |
| Date Introduced: | 10/20/2015 | | |
| Public Hearing: | 11/17/2015 - 10:00 AM | | |
| Council Action (1) | 11/17/2015 - ENACTED | | |
| Council Votes: | DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:A, DT:A, KT:-, TT:A | | |
| Pass/Fail: | P | | |
| Remarks: | | | |

AFFECTED CODE SECTIONS:

04-101, 04-104, 04-106, 04-107, 04-111, 04-112, 04-113, 04-118, 04-119, 04-120, 04-121, 04-123, 04-125, 04-127, 04-131, 04-138, 04-141, 04-142, 04-143, 04-149, 04-152, 04-156, 04-157, 04-158, 04-163, 04-165, 04-172, 04-173, 04-180, 04-187, 04-189, 04-190, 04-191, 04-196, 04-216, 04-217, 04-218, 04-219, 04-222, 04-223, 04-224, 04-240, 04-243, 04-244, 04-245, 04-247, 04-249, 04-250, 04-251, 04-252, 04-253, 04-254, 04-255, 04-258, 04-259, 04-260, 04-261, 04-263, 04-345, 04-352, 04-428

COMMITTEE REPORTS:

Transportation, Housing and Environment

Date 10/15/2015

Committee Vote: Favorable with Amendments, 4-0 (In favor: Council Members Lehman Turner, Glaros and Taveras)

The Legislative Officer provided a summary of the bill and referral comments that were received. CB-90 - 2015 concerns THE BUILDING CODE OF PRINCE GEORGE'S COUNTY for the purpose of updating the provisions of the Building Code of Prince George's County (the "County") to conform to the 2015 editions of the International

Building Code, the International Mechanical Code, the International Energy Conservation Code and the International Residential Code for One- and Two-Family Dwellings.

Susan Hubbard and Bellur Ravishankar with the Prince Georges County Department of Permitting, Inspections and Enforcement provided additional information and spoke in support of this legislation.

The amendments were as follows:

1. Page 5, lines 27, 28, 29

FROM: undergo one hundred percent (100%) repairs or renovations [which, in the opinion of the Fire Code Official, exceed fifty percent (50%) of the assessed value] of the building

TO: Should be changed to: [undergo], which in the opinion of the [Fire Code Official] Director or the Director's designee, exceed fifty percent (50 %) of the assessed value of the building . . .

2. Page 31, Lines 3 and 4

FROM: [Fire Code Official or the Fire Code Official's authorized representative] and inserted: Director or the Director's designee.

TO: Should not be the Director or the Director's designee, rather, it should have remained what was bracketed out: Fire Code Official or the Fire Code Official's authorized representative.

3. Page 35. Sec. 4-157, Line 1

ADD: after Director's designee, add: as provided for in the joint Memorandum of Understanding between the Fire Department and DPIE prior to the issuance of a building permit.

4. Page 61. Section 4-223 "Safeguard during construction. Section 1333, Accessibility for Emergency Vehicles" was not changed and left as it, but should be added

5. Page 67, Subtitle 4, after Section R-502.7.2 insert:

Sec, M1503.4. Make Up Air Required.

(a) The following revision is made to Sec. 1503.4 Make Up Air Required of the International Residential Code:

(1) M1503.4. Makeup air required. Exhaust hood systems capable of exhausting [in excess of] more than 400 cubic feet per minute (o.19m³/s) shall be mechanically or naturally provided with makeup air at a rate approximately equal to the exhaust air rate in excess of 400 cubic feet per minute. Such makeup air systems shall be equipped with not less than one damper. Each damper shall be a gravity damper or an electrically operated damper that automatically opens when the exhaust system operates. Dampers shall be accessible for inspection, service, repair and replacement without removing permanent construction or any other ducts not connected to the damper being inspected, serviced, repaired or replaced.

The Office of Law determined that CB-90-2015 was in proper legislative form with no legal impediments to its enactment.

The Office of Audits and Investigation indicated there should not be any negative fiscal impact on the County as a result of enactment CB-90-2015.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This Bill is for the purpose of amending the provisions of the Building Code of Prince George's County (the "County"), found in Subtitle 4 of the County Code. The County is required to update its Building Code to conform to the 2015 editions of the International Building Code, the International Mechanical Code, the International Energy Conservation Code and the International Residential Code for One- and Two-Family Dwellings.

CB-90-2015 (DR-2) was amended on the floor prior to enactment as follows:

1. On page 5, line 27, strike "undergo one hundred percent (100%) repairs or renovations"
2. On page 5, line 28, strike second closing bracket after "Director's designee"
3. On page 5, line 29, after "(50%)" strike "of the assessed value"

CB-90-2015 (DR-3) was enacted.

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2015 Legislative Session

Bill No. CB-91-2015

Chapter No. 80

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Members Turner, Lehman, Harrison, Franklin, Davis, Glaros, Taveras and Patterson

Date of Introduction October 20, 2015

BILL

1 AN ACT concerning

2 Electrical Code

3 For the purpose of updating the Prince George's County Electrical Ordinance by adopting certain
4 amendments pursuant to the 2014 Edition of the National Electrical Code and amending certain
5 sections to include modifications related to the Electrical Code

6 BY repealing and reenacting with amendments:

7 SUBTITLE 9. ELECTRICITY.

8 Sections 9-101, 9-104, 9-104.01, 9-106, 9-107.01, 9-
9 108.01, 9-108.02, 9-108.03, 9-109.01, 9-109.02, 9-
10 117, 9-118, 9-122, 9-123, and 9-124

11 The Prince George's County Code
12 (2011 Edition; 2014 Supplement).

13 BY repealing:

14 SUBTITLE 9. ELECTRICITY.

15 Sections 9-101.01, 9-105, 9-108.00.01, and 9-109
16 The Prince George's County Code
17 (2011 Edition; 2014 Supplement).

18 BY adding:

19 SUBTITLE 9. ELECTRICITY.

20 Sections 9-110, AND 9-111

21 The Prince George's County Code

(2011 Edition; 2014 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 9-101, 9-104, 9-104.01, 9-106, 9-107.01, 9-108.01, 9-108.02, 9-108.03, 9-109.01, 9-109.02, 9-117, 9-118, 9-122, 9-123, and 9-124 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 9. ELECTRICITY.

DIVISION 1. ELECTRICAL CODE.

SUBDIVISION 1. ADOPTION BY REFERENCE.

Sec. 9-101. Code- Adoption by Reference.

The National Electrical Code (NEC), [2002] 2014 Edition, published by the National Fire Protection Association, is hereby adopted by reference and made a part of this Subtitle with the same force and effect as though set out in full herein as the Official Electrical Code of Prince George's County, together with the changes, deletions, or modifications prescribed in this Subtitle. All electrical work performed or contracted to be performed in the County shall be included within the [purview] authority of this Subtitle.

* * * * *

Sec. 9-104. General.

Any provision of the National Electrical Code adopted by Section 9-101 of this Subtitle shall be subject to [changed, modified, added or omitted] change, modification, addition or omission as set out in Subdivision 2, and such change, amendment, addition or deletion shall be deemed to supersede the text of the Electrical Code in any case where the provisions of this Subtitle are interpreted.

Sec. 9-104.01. Same; Article 110 -- Requirements for Electrical Installations.

(a) The following amendments, additions, and/or deletions are made to Section 110.26 of the National Electrical Code:

(1) Section 110.26(D), "Illumination," is amended to read as follows: In addition to Article 110.26 (D) a wall mounted battery pack operated emergency illumination shall be provided for all working spaces about service equipment, switchboards, panelboards, load centers and motor control centers installed indoors. The battery shall be of suitable rating and capacity to supply and maintain the total load for a minimum period of 2 hours. In addition,

1 emergency illumination shall be provided about service equipment and switchboards in all
2 commercial occupancies.

3 * * * * *

4 **Sec. 9-106. Same; Article 250-Grounding.**

5 (a) The following amendments, additions, and/or deletions are made to Article 250 of the
6 National Electrical Code:

7 (1) Section 250.52(A)(3), "Concrete - Encased Electrode," is amended to read as
8 follows: All new structures, both residential and commercial, require a concrete encased
9 electrode to be used as the principal grounding electrode system. [element. A concrete encased
10 electrode is an electrode encased by at least 2 inches (50.8 mm) of concrete, located within and
11 near the bottom of a concrete foundation or footing that is in direct contact with the earth,
12 consisting of at least 20 feet (6.1 m) of one or more steel reinforcing bars or rods of not less than
13 1/2 inch (12.7 mm) diameter, or consisting of at least 20 feet of (6.1 m) bare solid copper
14 conductor not smaller than No. 4 AWG. Steel reinforcing rods and/or copper conductor shall be
15 supported in the trench to insure 2 inches (50.8 mm) separation from earth. If a rod with
16 galvanized finish is used, a bronze or brass clamp listed for the purpose may be used to attach the
17 grounding electrode conductor which requires a minimum of 2 foot (0.61 m) of accessible length
18 after installation. If a nongalvanized rod is used, an exothermic weld or irreversible clamp is
19 required to attach the grounding electrode conductor. Rods having a nonconductor coating shall
20 not be used for the required grounding electrode.]

21 [(2) Section 250.56, "Resistance of Rod, Pipe, and Plate Electrodes." Add the
22 following: Unless data is provided to the authority having jurisdiction showing that the actual
23 resistance to ground measurement is twenty-five (25) ohms or less when a metal underground
24 water pipe in direct contact with the earth for ten (10) feet or more is not available at the
25 premises, an additional ground rod shall be installed to serve as the supplementary ground.]

26 * * * * *

27 **Sec. 9-107.01. Wiring Methods and Materials; Article 310 -- Conductors for General**
28 **Wiring.**

29 (a) The following amendments, additions, and/or deletions are made to Article 310 of the
30 National Electrical Code:

(1) The following paragraph is added to Section [310.2, "Conductors:" (C)] 310.10 "Uses Permitted." Aluminum Conductors. Aluminum conductors shall be permitted only for service and feeder use and shall not be smaller than #2 AWG.

(2) The following exception is added to Section [310.2, "Conductors:"] 310.10 "Uses Permitted." Listed Cable assemblies #2 aluminum AWG and larger installed in single-family and multifamily dwellings, having grounding conductors sized in accordance with Section 250.122, "Size of Equipment Grounding Conductors," shall be excluded from the requirements set forth in (a)(1), above.

[(3) The following addition is made to 310.15(B)(2)(a)FPN, "Adjustment Factors:" No diversity allowance is permitted when determining ampacity of three (3) or more conductors in a raceway or cable.]

* * * * *

Sec. 9-108.01. Same; Article 408-Switchboards and Panelboards.

(a) The following amendments, additions, and/or deletions are made to Article 408 of the National Electrical Code:

(1) Article [480.16] 408.36, "Overcurrent Protection," Exception No. [2 under paragraph (A)] 3 is amended to read as follows:

* * * * *

(2) A new Section [408.22], Article 408, Part II. A switchboard, 408.23 titled "Switchboards of One Thousand (1,000) Amperes or Larger." [titled "Switchboards of One Thousand (1,000) Amperes or Larger,] is added to read as follows:

(A) Switchboards having a capacity of one thousand (1,000) amperes or larger, using aluminum feeders and/or busbars, shall receive periodic cleaning and preventative maintenance as recommended by the manufacturer of such equipment to minimize the possibility of fire or catastrophic failure. Cleaning and maintenance require an electrical permit, including coordination of shutdown with the utility, and shall include the following:

* * * * *

(viii) Testing and cleaning records shall be kept and made available upon request and proper antioxidizing agents shall be used after each cleaning.

* * * * *

1 **Sec. 9-108.02. Equipment for General Use; Article 410 -- Luminaires, Lampholders, and**
2 **Lamps.**

3 (a) The following amendments, additions, and/or deletions are made to Article 410 of the
4 National Electrical Code:

5 (1) The following addition is made to paragraph [(C)] (B) of Section [410.16] 410.36:
6 All "lay-in" luminaires will require independent suspension to insure that the luminaire will not
7 drop more than nominally two (2) or three (3) inches when the framing members no longer
8 provide the support. Number 12 [SWG] WG wire firmly secured to the building structure and
9 the luminaire is required for this purpose. Two (2) restraining wires (one (1) at each opposite
10 end of the luminaire) are required for luminaries smaller than 2x4 and four (4) restraining wires
11 (one (1) at each corner) are required on all luminaries 2x4 and larger. Other types of lay-in
12 [luminaires shall also have a secondary support] fixtures and surface mounted fixtures mounted
13 on drop ceiling shall be support based on the fixture area to preclude the danger of falling when
14 the framing members fail or are removed (e.g., hi-hat luminaire).

15 * * * * *

16 **Sec. 9-109.01. Special Conditions; Article 700- Emergency Systems.**

17 (a) The following amendments, additions, and/or deletions are made to Article 700 of the
18 National Electrical Code:

19 (1) Section [700.6(A)] 700.5 (A) is amended by the addition of the following
20 sentence:

21 (A) Emergency Systems and Transfer equipment shall be separated [by a
22 minimum of two (2) hour fire rated wall(s) from normal power supply systems] by a wall or
23 wall(s) with a minimum fire rating of two (2) hour(s).

24 * * * * *

25 **Sec. 9-109.02. Same; Article 701- Legally Required Standby Systems- Source of Power.**

26 (a) The following amendments, additions, and/or deletions are made to Article 701 of the
27 National Electrical Code:

28 (1) Section [701.11] 701.12, titled["Legally Required Standby Systems,"] "General
29 Requirements" is amended by the addition of the following sentence: Permission to use an
30 emergency power source must be requested and authorized in writing from the authority having
31 jurisdiction prior to the submittal of engineering plans for approval.

* * * * *

Sec. 9-117. Right of Property Owner to Perform Work on Own Premises.

(a) Except as restricted to the type of work as delineated below, [nothing contained in this Subtitle shall be construed to prohibit any property owner from personally installing electrical wiring] the property owner is permitted to perform electrical work on his or her own premises; and the work is limited up to a combination of ten (10) devices or less which includes addition, relocation and replacement of (lights, receptacles and switches), provided, that such premises are used only for a single-family residential dwelling.

The owner shall meet the following requirements:

[(1)] (1) The owner shall satisfy the Department as to the ability to install electrical wiring.]

[(2)] (1) The owner shall apply for, pay the required fee, and secure an electrical permit required by this Subtitle.

[(3)] (2) The owner shall do such work in accordance with the provisions of this Subtitle and plans submitted with the application.

[(4)] (3) The owner shall apply for all inspections required by this Subtitle.

[(5)] (4) The owner shall be living on the premises, or declare an intention to occupy the premises for a minimum of one (1) year.

[(6)] (5) The owner shall receive a final certification of inspection.

[(b)] (c) Personal installation by an owner, other than by a licensed electrician, shall be by the owner on his own premises and without compensation from or to any other person for such labor or installation. The owner exercising this privilege shall conform to all requirements of this Subtitle.

[(c)] (b) The following electrical work is not permitted to be performed under a homeowners permit:

* * * * *

Sec. 9-118. Permits; terms and conditions

* * * * *

(b) Any permit issued with administrative errors which are the result of information provided by the applicant, such as incomplete listing of work accomplished, wrong address, or wrong owner, shall be revised prior to a final inspection. A fee of [Fifteen Dollars (\$15.00)]

1 Forty Five Dollars (\$45.00) is imposed for a permit revision in addition [and may be credited] to
2 the increased scope of work.

3 * * * * *

4 **Sec. 9-122. [Refunds for] Unused Permits and Inspections**

5 (a) Where no work has been done under a permit issued pursuant to this Subtitle, the
6 holder of the permit may return the permit to the Department for cancellation. [and refund.]
7 Requests for cancellation [and/or refunds] must be in writing by the electrical contractor or
8 property owner and should be submitted promptly. Upon cancellation of the permit, there shall
9 be refunded to the holder of the permit any amount in excess of Twenty Dollars (\$20.00) paid.
10 Requests for each refund must be made prior to the expiration date of the permit.

11 * * * * *

12 (d) Whenever any electrical work for which a permit is required has been started prior to
13 obtaining a permit, a special investigation shall be made before an application may be filed to
14 request the required permit. In addition to the filing fee and regular permit fee, an investigation
15 fee of One Hundred Fifty Dollars [(\$100.00)] (\$150.00) for residential work and Two Hundred
16 Fifty Dollars [(\$200.00)] (\$250.00) for commercial work shall be paid at the time of filing the
17 application for the required permit. Whenever work under a permit has been placed, partially
18 completed, or concealed without first obtaining the required inspection approval, the Chief
19 Electrical Inspector shall cause a special investigation to be made. The fee for the special
20 investigation shall be One Hundred Fifty Dollars [(\$100.00)] (\$150.00) for residential and Two
21 Hundred Fifty Dollars [(\$200.00)] (\$250.00) for commercial and shall be payable before further
22 inspections will be provided.

23 (e) Whenever an inspection is requested which cannot be rendered because the work has
24 not been [competed] completed, a reinspection fee of [Twenty-five Dollars (\$25.00)] Fifty-Five
25 Dollars (\$55.00) will be assessed against the contractor.

26 **Sec. 9-123. Inspections**

27 A rough-wiring inspection is required before concealment. Upon completion of an electrical
28 installation, a request for final inspection shall be made to the Department within seventy-two
29 (72) hours of completion. The Department shall complete any commercial electrical inspection
30 within three (3) working days of such request.

Sec. 9-124. Notice of [violations] Violations.

(a) The Chief Electrical Inspector or authorized representative shall serve written notice of violations within three (3) working days of the inspection to persons responsible for work which is found in violation of the Electrical Code or which is not in compliance with the approved plans. Such notices shall order the discontinuance of the illegal action or condition and order the correction of the violation and the code section or sections shall be included in the notice of violation.

SECTION 2. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 9-101.01, 9-105, 9-108.00.01, and 9-109 of the Prince George's County Code be and the same are hereby repealed:

SUBTITLE 9. ELECTRICITY.

DIVISION 1. ELECTRICAL CODE.

SUBDIVISION 1. ADOPTION BY REFERENCE

Sec. 9-101.01. [Code Arrangement.] Reserved.

[(a) The following amendments, additions, and/or deletions are made to Article 90 of the National Electrical Code:

(1) The second paragraph of Section 90.3, "Code Arrangement," is amended to read as follows: Installations of communications systems shall be subject to the requirements of Chapters 1 through 8 of the NEC.]

* * * * *

Sec. 9-105 [Writing and Protection; Article 210-Branch Circuits.] Reserved.

[(a) The following amendments, additions, and/or deletions are made to Article 210 of the National Electrical Code:

(1) The following is added to the text of Section 210.4, "Multiwire Branch Circuits:"

(E) Ungrounded Conductors. Ungrounded conductors of different voltages shall be of different colors or identified by other means. Conductors of multiwire branch circuits and two-wire branch circuits connected to the same system shall conform to the following color code: 240 volt "single phase" ungrounded conductors shall be identified by the use of one black, one red; 208 volt "three phase" connected systems shall be identified by the use of one black, one red, one blue; 480 volt "three phase" connected systems shall be identified by the use of one yellow, one brown, one orange; "grounded" conductors shall comply with Section 200.6(B) of

1 the National Electrical Code; the ungrounded conductors of the additional circuit may be of
 2 colors other than those specified. All circuit conductors of the same color shall be connected to
 3 the same ungrounded feeder conductor throughout the installation. In addition to the
 4 requirements of Section 408.13 of the National Electrical Code, identification shall be
 5 permanently posted at each panelboard. Note: For four-wire delta systems, see National
 6 Electrical Code 408.3(E).]

7 * * * * *

8 **Sec. 9-108.00.01 [Same; Article 338- Service -Entrance Cable: Types SE and USE]**
 9 **Reserved.**

10 [(a) The following amendments, additions, and/or deletions are made to Article 338 of the
 11 National Electrical Code:

12 (1) The following Exception is added to Section 338.10: Type SE service-entrance
 13 cable and type SER cable where conductors are fully insulated shall be limited to construction
 14 types III, IV and V, except under the provisions of Article 527.]

15 **Sec. 9-109. [Special Equipment; Article 600 -- Electric Signs and Outline Lighting.]**
 16 **Reserved.**

17 [(a) The following amendments, additions, and/or deletions are made to Article 600 of the
 18 National Electrical Code:

19 (1) Section 600.6(A), "Location," is amended to read as follows: Signs and outline
 20 lighting systems attached to or supported by the building structure shall require a disconnecting
 21 means adjacent to and in sight of the sign or outline lighting system. The disconnecting means
 22 shall disconnect the sign or outline lighting system from all ungrounded supply conductors. It
 23 shall be designed so that no pole can be operated independently, and it shall be capable of being
 24 locked in the open position.]

25 SECTION 3. BE IT ENACTED by the County Council of Prince George's County, Maryland,
 26 that Sections 9-110, and 9-111 of the Prince George's County Code be and the same are hereby
 27 added:

28 **SUBTITLE 9. ELECTRICITY.**
 29 **DIVISION 1. ELECTRICAL CODE.**
 30 **SUBDIVISION 1. ADOPTION BY REFERENCE**

1 **Sec. 9-110. Emergency and Power Source.**

2 (a) The following amendments and/or additions are made to Article 700 of National
 3 Electrical Code.

4 (1) A connection ahead of service disconnecting means is not permitted as an
 5 emergency circuit except as permitted by Section 9-109.01 of this Code.

6 **Sec. 9-111. Fire Pump.**

7 (a) The following amendments, and/or additions are made to Article 695 of the National
 8 Electrical Code:

9 (1) A fire pump shall be supplied by a separate service from the utility
 10 transformer.

11 (2) A fire pump shall be permitted to be supplied from a connection located
 12 ahead of the service disconnecting means when a back-up on-site generator
 13 is used as an alternate power source to feed the fire pump.

14 SECTION 4. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 15 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 16 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 17 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 18 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
 19 Act, since the same would have been enacted without the incorporation in this Act of any such
 20 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
 21 or section.

22 SECTION 5. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
 23 calendar days after it becomes law.

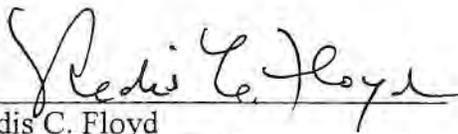
Adopted this 17th day of November, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND



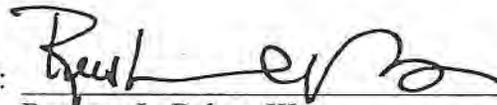
BY: _____
Mel Franklin
Chairman

ATTEST:



Redis C. Floyd
Clerk of the Council

APPROVED:



DATE: November 25, 2015 BY: _____
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

* * * * *

Prince George's County Council Agenda Item Summary

Meeting Date: 11/17/2015
Reference No.: CB-091-2015
Draft No.: 1
Proposer(s): County Executive
Sponsor(s): Turner, Lehman, Harrison, Franklin, Davis, Glaros, Taveras, Patterson
Item Title: An Act amending the Prince George's County Code by adopting the 2014 Edition of the National Electrical Code

Drafter: Susan Hubbard, DPIE
Resource Personnel: Michael Farahani, DPIE
Michelle Lyons, DPIE

LEGISLATIVE HISTORY:

| | | | |
|----------------------------|-----------------|--------------------------|--------------|
| Date Presented: | 9/29/2015 | Executive Action: | 11/25/2015 S |
| Committee Referral: | 9/29/2015 - THE | Effective Date: | 1/11/2016 |

Committee Action: 10/15/2015 - FAV

Date Introduced: 10/20/2015
Public Hearing: 11/17/2015 - 10:00 AM

Council Action (1) 11/17/2015 - ENACTED
Council Votes: DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:A, DT:A, KT:-, TT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

09-101, 09-101.01, 09-104, 09-104.01, 09-105, 09-106, 09-107.01, 09-108.00.01, 09-108.01, 09-108.02, 09-108.03, 09-109, 09-109.01, 09-109.02, 09-110, 09-111, 09-117, 09-118, 09-122, 09-123, 09-124

COMMITTEE REPORTS:

Transportation, Housing and Environment Committee

Date 10/15/2015

October 15th , 2015

Committee Vote: Favorable, 4-0 (In favor: Council Members Lehman, Turner, Glaros and Taveras)

The Legislative Officer provided a summary of the bill and referral comments that were received. CB-91 - 2015 AN ACT CONCERNING ELECTRICAL CODE for the purpose of updating the Prince George's County Electrical Ordinance by adopting certain amendments pursuant to the 2014 Edition of the National Electrical Code and amending certain sections to include modifications related to the Electrical Code

Susan Hubbard and Bellar Ravishunkar with the Prince Georges County Department of Permits, Inspections and Enforcement provided additional information and spoke in support of this legislation.

The Office of Law determined that CB-91-2015 was in proper legislative form with no legal impediments to its enactment.

The Office of Audits and Investigation indicated there should not be any negative fiscal impact on the County as a result of enactment CB-91-2015.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This legislation will update the Prince George's County Electrical Ordinance by adopting amendments pursuant to the 2014 Edition of the National Electrical Code. Prince George's County is required to update the local Electrical Code and amend certain sections of the Prince County Code to include modifications related to the Electrical Code. These amendments ensure enhanced safety for residents, workers within and visitors to Prince George's County.

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-49-2015

Chapter No. 86

Proposed and Presented by Council Members Davis, Glaros, Turner and Taveras

Introduced by Council Members Davis, Glaros, Turner, Taveras, Lehman, Franklin and
Patterson

Date of Introduction October 20, 2015

BILL

1 AN ACT concerning

2 Commission on Common Ownership Communities

3 For the purpose of creating a Commission on Common Ownership Communities; providing for
4 the powers and authority of the Commission on Common Ownership Communities; providing
5 for periodic reports and review of the activities of the Commission on Common Ownership
6 Communities; and generally relating to the Commission on Common Ownership Communities.

7 BY adding:

8 SUBTITLE 13. HOUSING AND PROPERTY

9 STANDARDS.

10 Sections 13-314.01, 13-314.02, 13-314.04, 13-314.05, 13-314.06,

11 13-314.07, 13-314.08, 13-314.09, 13-314.10 and 13-314.11

12 The Prince George's County Code

13 (2011 Edition, 2014 Supplement).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
15 Maryland, that Sections 13-314.01, 13-314.02, 13-314.04, 13-314.05, 13-314.06,
16 13-314.07, 13-314.08, 13-314.09, 13-314.10 and 13-314.11 of the Prince George's County Code
17 be and the same are hereby added:

18 **SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.**

19 **DIVISION 11. COMMON OWNERSHIP COMMUNITIES PROGRAM.**

20 **Sec. 13-314.01. Commission on Common Ownership Communities established.**

21 (a) There is hereby established a Commission on Common Ownership Communities.

1 **Sec. 13-314.02. Purpose.**

2 The purpose of the Commission on Common Ownership Communities is to:

3 (a) ensure proper establishment and operation of homeowners' associations, condominium
4 associations, and cooperative housing corporations;

5 (b) promote education, public awareness and association membership understanding of the
6 rights and obligations of living in a common ownership community;

7 (c) reduce the number and divisiveness of disputes, and encourage informal resolution of
8 disputes;

9 (d) maintain property values and quality of life in Common Ownership Communities;

10 (e) assist and oversee the development of coordinated community and government
11 policies, program, and services which support these communities; and

12 (f) prevent potential public financial liability for repair or replacement of common
13 ownership community facilities.

14 **Sec. 13-314.04. Commissions; Term; Qualifications; Appointment and Removal.**

15 (a) The Commissioners shall be appointed by the County Executive and confirmed by the
16 County Council in accordance with the provisions of Sections 322 and 402 of the Charter for
17 Prince George's County, Maryland.

18 (b) The Commission shall consist of nine voting members:

19 (1) Five members shall be selected from unit or lot owners or residents of self-
20 managed and professionally managed condominiums, self-managed and professionally managed
21 cooperative housing corporations, and self-managed and professionally managed homeowner
22 associations, and may include members or former members of governing boards; and

23 (2) Four members should be selected from persons who are members of professions
24 associated with common ownership communities (such as a person involved in housing
25 development and real estate sales and attorneys who represent community associations,
26 developers, housing management or tenants), including at least one person who is a professional
27 community association manager.

28 (c) One designee of each of the following entities are ex-officio nonvoting members of the
29 Commission: County Council (if the Council selects a designee); Planning Board, Department of
30 Permits, Inspection and Enforcement; Department of Transportation; Department of Housing and
31 Community Development; Office of the Attorney General; and the Office of the County

1 Attorney.

2 (d) Each voting member serves a three (3) year term. Of the members first appointed, one-
 3 third must be appointed for one (1) year terms, one-third must be appointed for two (2) year
 4 terms, and one-third must be appointed for three (3) year terms. A member shall not serve more
 5 than two consecutive full terms. A member appointed to fill a vacancy serves the rest of the
 6 unexpired term. Members continue in office until their successors are appointed and qualified.

7 (e) The County Executive may remove a voting member of the Commission for neglect of
 8 or inability to perform the duties of the office, misconduct in office, or serious violation of law.
 9 Before the County Executive removes a member, the County Executive must give the member
 10 notice of the reason for removal and a fair opportunity to reply.

11 (f) Section 13-314.04(d) applies only to voting members of the Commission.

12 (g) A majority of the voting members of the Commission shall elect one voting member as
 13 chair and another as vice chair, to serve at the pleasure of the Commission, and may select other
 14 officers as it determines.

15 (h) Voting members of the Commission receive no compensation for their services.

16 (i) The Commission meets at the call of the chair as often as required to perform its duties,
 17 but at least once each month. A majority of the voting members shall constitute a quorum for the
 18 transaction of business, and a majority of the voting members present at any meeting may take
 19 any official action.

20 **Sec. 13-314.05. Commissioners; Powers and Duties; Compensation.**

21 (a) The Commission shall:

22 (1) adopt rules and procedures as necessary to carry out the purposes of this Division;

23 (2) keep a record of its activities and minutes of all meetings, which shall be kept on
 24 file and open to the public at reasonable business hours upon request;

25 (3) cooperate with the County Executive and all government agencies concerned with
 26 matters within the jurisdiction of the Commission;

27 (4) examine by means of meetings, subject to the Maryland Open Meetings Act,
 28 conferences, and public hearings, conditions in common ownership communities which may
 29 result in unmet community, resident or public needs; and

30 (5) advise the citizens of the County, the County Council, the County Executive, and
 31 County, State, and Federal agencies on matters involving common ownership communities, and

1 recommend such programs, training, procedures or legislation as it finds necessary.

2 **Sec. 13-314.06. Staff, Offices and Supplies.**

3 (a) The Office of Community Relations shall provide the Commission with staff, offices
 4 and supplies as are appropriate. In selecting staff to carry out the Commission's responsibilities
 5 under this Division, the Director shall consider the recommendations of the Commission.

6 **Sec. 13-314.07. Powers.**

7 (a) The Commission for Common Ownership Communities is provided the following
 8 additional powers to accomplish the intent of this Division:

9 (1) The Commission shall review and evaluate the alternative dispute resolution
 10 process.

11 **Sec. 13-314.08. Referrals.**

12 (a) The Commission for Common Ownership Communities shall refer matters, as
 13 appropriate for further civil, criminal, and administrative action to appropriate administrative and
 14 prosecutorial agencies.

15 **Sec. 13-314.09. Records Disclosure.**

16 (a) The Commission shall keep a record of its activities and minutes of all meetings,
 17 which must be kept on file and open to the public at reasonable business hours upon request;

18 **Sec. 13-314.10. Reporting Commission Activities.**

19 (a) The Commission shall submit an annual report by September 1 to the County
 20 Executive and the County Council summarizing its activities, needs, and recommendations, and
 21 the extent to which the goals of this Chapter are being met.

22 **Sec. 13-314.11. Quality Review.**

23 (a) Commission activities shall be subject to quality assurance reviews by an appropriate
 24 professional, non-partisan, objective group every three to five years. A copy of the written report
 25 resulting from this review shall be furnished to the County Executive and the County Council,
 26 and shall be made available to the public.

27 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 28 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 29 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 30 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 31 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this

1 Act, since the same would have been enacted without the incorporation in this Act of any such
2 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, paragraph, subsection,
3 or section.

4 SECTION 3. BE IT FURTHER ENACTED, that this Act shall take on April 1, 2016.

Adopted this 17th day of November, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND



BY: _____
Mel Franklin
Chairman

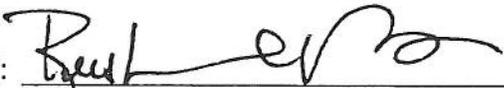
ATTEST:



Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: 12-9-2015

BY:  _____
Rushern L. Baker, III
County Executive

Prince George's County Council Agenda Item Summary

Meeting Date: 11/17/2015
Reference No.: CB-049-2015
Draft No.: 4
Proposer(s): Davis, Glaros, Turner, Taveras
Sponsor(s): Davis, Glaros, Turner, Taveras, Lehman, Franklin, Patterson
Item Title: An Act concerning the Commission on Common Ownership Communities for the purpose of creating a Commission on Common Ownership Communities; providing for the budget, powers and authority of the Commission on Common Ownership Communities; providing for periodic reports and review of the activities of the Commission on Common Ownership Communities; and generally relating to the Commission on Common Ownership Communities

Drafter: Kathleen H. Canning, Legislative Officer
Resource Personnel: Nellvenia W. Johnson, Chief of Staff District 6

LEGISLATIVE HISTORY:

| | | | |
|----------------------------|-----------------|--------------------------|-------------|
| Date Presented: | 7/14/2015 | Executive Action: | 12/9/2015 S |
| Committee Referral: | 7/14/2015 - THE | Effective Date: | 4/1/2016 |

Committee Action: 10/15/2015 - FAV(A)

Date Introduced: 10/20/2015
Public Hearing: 11/17/2015 - 10:00 AM

Council Action (1) 11/17/2015 - ENACTED
Council Votes: DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:A, DT:A, KT:A, TT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

13-314.01, 13-314.02, 13-314.03, 13-314.04, 13-314.05, 13-314.06, 13-314.07, 13-314.08, 13-314.09, 13-314.10, 13-314.11

COMMITTEE REPORTS:

Transportation, Housing and Environment

Date 10/15/2015

Committee Vote: Favorable with Amendments, 5-0 (In favor: Council Members Lehman, Turner, Glaros, Franklin and Taveras)

The Legislative Officer provided a summary of the bill and referral comments that were received. CB-49-2015 concerns COMMISSION ON COMMON OWNERSHIP COMMUNITIES for the purpose of creating a Commission on Common Ownership Communities; providing for budget, powers and authority of the Commission on Common Ownership Communities; providing for periodic reports and review of the activities of the Commission on Common Ownership Communities; and generally relating to the commission on Common Ownership Communities.

John Gwynn, with the Prince Georges County Office of Law, Musa Eubanks and Dereck Davis with the Prince

Georges County Office of Consumer Relations, and April Womack, Chair of the Alternative Dispute Resolution Subcommittee for the Common Ownership Task Force answered Committee questions and provided additional information to the Committee. Ruth Wright, Woodmore Homeowner and Casey Lewis of Kettering Homeowners' Association provided additional information.

Amendments are as follows:

1. On page 2, in line 11, after "quality of life in" strike "these" and substitute "COMMON OWNERSHIP".
2. On page 2, in line 12, after "assist and oversee" strike "in".
3. On page 2, in line 20, after "A" strike "development" and substitute "PROPERTY".
4. Strike entire section from page 2, line 16 through page 3, line 20.
5. On page 3, in line 23, after "Section" inset "S"; on the same line, after "322" insert "AND 402".
6. On page 4, in line 14, after "The County Executive" strike ",with the consent of the Council,".
7. On page 4, line 19, strike "The" and substitute "A MAJORITY OF THE VOTING MEMBERS OF THE". On page 4, in line 20 strike "as it determines".
8. On page 4, in line 23, after "A majority of the voting members" strike ", are" and substitute "CONSTITUTES".
9. On page 4, in line 29, after "which" strike "must" and substitute "SHALL".
10. On page 5, in line 7, after "programs," insert "training,".

The Office of Law determined that CB49-2015 was in proper legislative form with no legal impediments to its enactment.

The Office of Audits and Investigation indicated there may be a negative fiscal impact on the County as a result of enactment CB-49-2015.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This bill creates a Commission on Common Ownership Communities. This legislation arose out of the County Common Ownership Communities Work Group. The Commission's budget, powers and authority, periodic reports and the review of the activities of the Commission are the subject of the bill.

10/20/2015: CB-49-2015 (DR-2) was amended on the floor as follows:

1. On page 4, line 9, after "The Commission shall", strike "direct" and replace with "review and evaluate".
2. On page 4, strike starting at line 10 through line 12.

CB-49-2015 (DR-3) was introduced.

11/17/2015: CB-49-2015 (DR-3) was amended on the floor as follows:

1. On page 2, line 18, strike "15" and substitute "9"
 2. On page 2, line 19, strike "Eight" and substitute "Five"
 3. On page 2, line 23, strike "Seven" and substitute "Four"
 4. On page 5, line 4, strike "forty-five (45) calendar days after it becomes law." and substitute "on April 1, 2016."
- CB-49-2015 (DR-4) was enacted.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-50-2015

Chapter No. 87

Proposed and Presented by Council Members Davis, Glaros, Turner and Taveras

Introduced by Council Members Davis, Glaros, Turner, Taveras, Lehman, Franklin and
Patterson

Date of Introduction October 20, 2015

BILL

1 AN ACT concerning

2 Common Ownership Communities Program

3 For the purpose of enhancing the County's Common Ownership Communities Program by
4 providing for violations, charges, and fees; and generally relating to Common Ownership
5 Communities.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 13. HOUSING AND PROPERTY

8 STANDARDS.

9 DIVISION 11. COMMON OWNERSHIP

10 COMMUNITIES PROGRAM.

11 Section 13-318,

12 The Prince George's County Code

13 (2011 Edition; 2014 Supplement).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
15 Maryland, that Section 13-318 of the Prince George's County Code be and the same is hereby
16 repealed and reenacted with the following amendments:

17 **SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.**

18 **DIVISION 11. COMMON OWNERSHIP COMMUNITIES PROGRAM.**

19 **Sec. 13-314. Legislative findings and declaration of purpose.**

20 The County Council for Prince George's County, Maryland, hereby finds that Prince
21 George's County is facing significant issues with respect to the lack of management and

1 oversight as it relates to Common Ownership Communities; that there is a lack of homeowner
2 education with regard to the real estate process, governance, enforcement procedures, and
3 resolution of disputes; that there exists a misunderstanding amongst homeowners of the
4 responsibilities of the developer/builder as it relates to the establishment and direction of an
5 efficiently operated homeowner association/Common Ownership Community; and that in order
6 to effectively respond, the County Council for Prince George's County, Maryland hereby
7 declares that it is the public policy of Prince George's County to establish a program to assist in
8 addressing the needs of Common Ownership Communities by providing education, training and
9 dispute mediation services through the Common Ownership Communities Program.

10 **Sec. 13-315. Common Ownership Communities Program.**

11 (a) There is hereby established a Common Ownership Communities Program. The
12 Common Ownership Communities Program shall be administered by the Director of the Office
13 of Community Relations.

14 (b) Rules and regulations, consistent with the purpose and spirit of the Common
15 Ownership Communities Program, shall be promulgated by the County Executive, subject to
16 County Council approval by resolution. Said rules and regulations shall govern the
17 implementation and administration of the Common Ownership Communities Program.

18 **Sec. 13-316. Definitions.**

19 As used in this Division:

20 (a) **Common Ownership Community** means:

- 21 (1) A condominium, as defined pursuant to state law;
22 (2) A cooperative housing corporation, as defined pursuant to state law; or
23 (3) A homeowners association, as defined pursuant to state law.

24 (b) Director means the Director of the Office of Community Relations.

25 (c) Office means the Office of Community Relations.

26 **Sec. 13-317. Director; duties and responsibilities.**

27 (a) The Director shall have operational responsibility for carrying out the duties prescribed
28 in this Division and for enforcing the provisions of this Division.

29 (b) The Director is authorized to:

- 30 (1) research, assemble, analyze and disseminate pertinent data and educational
31 materials about activities and programs which assist Common Ownership Communities; plan

1 and conduct educational and other programs, meetings and conferences to promote the operation
2 of Common Ownership Communities;

3 (2) maintain a master roster of Common Ownership Communities, their leadership,
4 and their professional management companies if applicable;

5 (3) develop and maintain an information, assistance and referral system for all
6 services in the County related directly to Common Ownership Communities, and recommend
7 other services when needed;

8 (4) maintain a collection of Common Ownership Community association documents
9 for use as a model and for reference;

10 (5) develop an education program for residents in a Common Ownership Community
11 that includes but is not limited to governance of a Common Ownership Community, rights and
12 duties of residents in a Common Ownership Community, and dispute resolution;

13 (6) develop an education program for Common Ownership Community governing
14 bodies that includes but is not limited to adoption and enforcement of rules, transition from
15 developer control, conduct of elections, and selection of community management and other
16 professional services; and

17 (7) operate a dispute mediation process.

18 **Sec. 13-318. Registration; fees.**

19 (a) A Common Ownership Community shall register with the Office on or before
20 December 31 of each year, and identify its elected leadership, [and] managing agents, appointed
21 officers, fidelity insurance information, dates of reserve studies, current reserve balances, contact
22 numbers for the association's officers, management companies and/or legal counsel on a form
23 provided by the Office. The Common Ownership Community shall disclose its grievance
24 procedure.

25 (b) Any Common Ownership Community that does not comply with requirements of this
26 Section shall be deemed to have committed a civil violation subject to temporary suspension of a
27 Common Ownership Community Association's registration status and a suspension of a
28 Common Ownership Community Association's right to file legal actions in Prince George's
29 County.

1 [(b)] (c) The governing body of a [homeowners' association, the council of unit owners of
2 a condominium and the board of directors of a cooperative housing corporation] community
3 association are responsible for compliance with this subsection.

4 (d) By ordinance, the County may impose a fee to provide administrative hearing services
5 for the resolution of disputes involving Common Ownership Community located in the County.

6 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
7 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
8 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
9 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
10 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
11 Act, since the same would have been enacted without the incorporation in this Act of any such
12 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
13 or section.

14 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
15 calendar days after it becomes law.

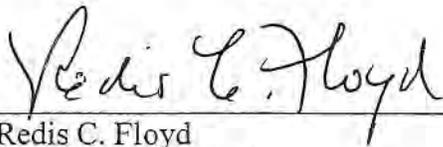
Adopted this 17th day of November, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND



BY: _____
Mel Franklin
Chairman

ATTEST:



Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____

BY: _____
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

THE COUNTY EXECUTIVE HAVING FAILED TO RETURN THIS BILL WITH EITHER HIS APPROVAL OR VETO WITHIN TEN (10) DAYS AFTER THE DATE OF ITS PRESENTATION TO HIM, THIS BILL BECAME LAW ON DECEMBER 10, 2015.

Prince George's County Council Agenda Item Summary

Meeting Date: 11/17/2015
Reference No.: CB-050-2015
Draft No.: 2
Proposer(s): Davis, Glaros, Turner, Taveras
Sponsor(s): Davis, Glaros, Turner, Taveras, Lehman, Franklin, Patterson
Item Title: An Act concerning the Common Ownership Communities Program for the purpose of enhancing the County's Common Ownership Communities Program by providing for violations, charges, and fees; and generally relating to Common Ownership Communities.

Drafter: Kathleen H. Canning, Legislative Officer
Resource Personnel: Nellvenia W. Johnson, Chief of Staff District 6

LEGISLATIVE HISTORY:

| | | | |
|----------------------------|-----------------|--------------------------|---------------|
| Date Presented: | 7/14/2015 | Executive Action: | 12/10/2015 US |
| Committee Referral: | 7/14/2015 - THE | Effective Date: | 1/25/2016 |

Committee Action: 10/15/2015 - FAV(A)

Date Introduced: 10/20/2015
Public Hearing: 11/17/2015 - 10:00 AM

Council Action (1) 11/17/2015 - ENACTED
Council Votes: DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:A, DT:A, KT:A, TT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

13-318

COMMITTEE REPORTS:

TRANSPORTATION, HOUSING AND THE ENVIRONMENT COMMITTEE

Date 10/15/2015

REVISED

Committee Vote: Favorable with Amendments, 5-0 (In favor: Council Members Lehman, Glaros, Turner, Taveras and Franklin)

The Legislative Officer provided a summary of the bill and referral comments that were received. CB-50-2015 concerns COMMON OWNERSHIP COMMUNITIES PROGRAM for the purpose of enhancing the County's Common Ownership Communities Program by providing for violations, charges, and fees; and generally relating to Common Ownership Communities.

John Gwynn, with the Prince Georges County Office of Law, Musa Eubanks and Dereck Davis with the Prince Georges County Office of Consumer Relations, and April Womack, Chair of the Alternative Dispute Resolution Subcommittee for the Common Ownership Task Force answered committee questions and provided additional information to the Committee.

Amendments are as follows:

1. On page 3, in line 21, after "date of reserve" strike "study" and substitute "studies".
2. On page 3, in line 23, after "The" strike "association" and substitute "Common Ownership Community".
3. On page 3, in line 29, after "The governing body of a" strike "homeowners' association, the council of unit owners of a condominium and the board of directors of a cooperative housing corporation" and substitute "community association".
4. On page 4, in line 1, strike "The County Executive by regulation adopted pursuant to Section 13-315(b) may establish reasonable fees in amounts sufficient to fund the provision of dispute resolution and technical assistance by the Commissions and the Department" and substitute "By ordinance, the County may impose a fee to provide administrative hearing services for the resolution of disputes involving Common Ownership Communities located in the County".
5. On page 4, in line 3, strike "These fees may include: (1) a per unit annual charge to common ownership communities to renew registration; (2) fees for service, that seek to recover the actual cost of the service, for technical assistance and dispute resolution; and (3) a per unit charge to developers when documents are recorded."

The Office of Law determined that CB-50-2015 (DR-2), as voted out of committee, was not in proper legislative form due to the lack of authority to enforce the language on Page 3, Lines 27 through 29, which reads: "a suspension of the Common Ownership Community Association's right to file legal actions in Prince George's County."

The Office of Audits and Investigation indicated there may be a positive fiscal impact on the County as a result of enactment CB-50-2015, should the County Executive decide to impose fees.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This bill provides for violations, charges, and fees set for Common Ownership Communities as part of the Common Ownership Communities Program.

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2015 Legislative Session

Bill No. CB-58-2015

Chapter No. 88

Proposed and Presented by Council Members Davis, Glaros, Turner and Taveras

Introduced by Council Members Davis, Glaros, Turner, Taveras, Lehman, Franklin,

and Patterson

Date of Introduction October 20, 2015

BILL

1 AN ACT concerning

2 Common Ownership Communities Program

3 For the purpose of amending the Common Ownership Communities Program to assist governing
4 bodies, owners, and residents of homeowners' associations, residential condominiums, and
5 cooperative housing corporations with education, training, and alternative dispute resolution
6 procedures in matters relating to these communities; and generally regarding Common
7 Ownership Communities.

8 BY repealing and reenacting with amendments:

9 SUBTITLE 13. HOUSING AND PROPERTY

10 STANDARDS.

11 Sections 13-314 and 13-316,

12 The Prince George's County Code

13 (2011 Edition, 2014 Supplement).

14 BY adding:

15 SUBTITLE 13. HOUSING AND PROPERTY

16 STANDARDS.

17 Section 13-319,

18 The Prince George's County Code

19 (2011 Edition, 2014 Supplement).

20 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
21 Maryland, that Sections 13-314 and 13-316 of the Prince George's County Code be and the same

1 are hereby repealed and reenacted with the following amendments:

2 **SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.**

3 **DIVISION 11. COMMON OWNERSHIP COMMUNITIES PROGRAM.**

4 **Sec. 13-314. Legislative findings and declaration of purpose.**

5 The County Council for Prince George's County, Maryland, hereby finds that Prince
6 George's County is facing significant issues with respect to the lack of management and
7 oversight as it relates to Common Ownership Communities; that there is a lack of homeowner
8 education with regard to the real estate process, governance, enforcement procedures, and
9 resolution of disputes; that there exists a misunderstanding amongst homeowners of the
10 responsibilities of the developer/builder as it relates to the establishment and direction of an
11 efficiently operated homeowner association/Common Ownership Community; and that in order
12 to effectively respond, the County Council for Prince George's County, Maryland hereby
13 declares that it is the public policy of Prince George's County to establish a program to assist in
14 addressing the needs of Common Ownership Communities by providing education, training and
15 alternative dispute mediation services through the Common Ownership Communities Program.

16 **Sec. 13-316. Definitions.**

17 As used in this Division:

18 (a) Alternative Dispute Resolution means a process for people in conflict, which
19 includes two or more participants, and one or two trained alternative dispute resolution
20 specialists.

21 (b) Alternative Dispute Resolution Specialist(s) are trained, impartial people who help
22 people in conflict to communicate with one another, understand each other, explore options for
23 mutual gain, and if possible, reach agreements that satisfy the participants' needs. An alternative
24 dispute resolution specialist(s) does not provide legal advice.

25 (c) Association Document means:

26 (1) The master deeds, declaration, incorporation documents, bylaws, and rules of any
27 common ownership community;

28 (2) Any written private agreement between any parties concerning the operation of
29 the community or maintenance or control of common or limited common property; and

30 (3) Any similar document concerning the operation or governance of a common
31 ownership community.

1 (d) Common element includes:

- 2 (1) in a homeowners association, property which is owned or leased by a
 3 homeowners association; and
 4 (2) in a condominium, all of the condominium except the units; and
 5 (3) in all common ownership communities, any other interest in real estate for the
 6 benefit of owners that is subject to the declaration.

7 [(a)] (e) **Common Ownership Community** means:

- 8 (1) A condominium, as defined pursuant to state law;
 9 (2) A cooperative housing corporation, as defined pursuant to state law; or
 10 (3) A homeowners association, as defined pursuant to state law.

11 (f) Community Association means the legal entity, incorporated or unincorporated, that
 12 is responsible for the governance or common property of a common ownership community.

13 [(b)] (g) **Director** means the Director of the Office of Community Relations.

14 (h) **Dispute** means any disagreement between two (2) or more parties that involves:

- 15 (1) The authority of a governing body, under any law or association document, to:
 16 (A) Require any person to take any action, or not to take any action, involving a
 17 unit or common element;
 18 (B) Require any person to pay a fee, fine, or assessment;
 19 (C) Spend association funds; or
 20 (D) Alter or add to a common element; or
 21 (2) The failure of a governing body, when required by law or an association document,

22 to:

- 23 (A) Properly conduct an election;
 24 (B) Give adequate notice of a meeting or other action;
 25 (C) Properly conduct a meeting;
 26 (D) Properly adopt a budget or rules;
 27 (E) Maintain or audit books and records;
 28 (F) Allow inspection of books and records;
 29 (G) Maintain or repair a common element if the failure results in significant
 30 personal injury or property damage; or
 31 (H) Exercise its judgment in good faith concerning the enforcement of the

1 association documents against any person that is subject to those documents.

2 (i) Dispute does not include any disagreement that only involves:

3 (1) Title to any unit or any common element;

4 (2) The percentage interest or vote allocable to a unit;

5 (3) The interpretation or enforcement of any warranty;

6 (4) The collection of an assessment validly levied against a party; or

7 (5) The exercise of a governing body's judgment or discretion in taking or deciding

8 not to take any legally authorized action.

9 (j) Governing body of a community association means the council of unit owners, board
10 of directors, or any other body authorized by an association document to adopt binding rules or
11 regulations.

12 [(c)] (k) Office means the Office of Community Relations.

13 (l) Owner includes:

14 (1) A unit owner in a condominium;

15 (2) A lot owner in a homeowners association; and

16 (3) A member of a cooperative housing corporation.

17 (m) Party includes:

18 (1) An Owner;

19 (2) A Governing body; and

20 (3) An occupant of a dwelling unit in a common ownership community.

21 (n) Unit or Lot includes:

22 (1) Any physical portion of a common ownership community with distinct property
23 boundaries that:

24 (A) Provides complete, independent living facilities for one or more individuals;

25 (B) Contains permanent provisions for living, sleeping, eating, cooking, and
26 sanitation; and

27 (C) Is designated for exclusive ownership, control, or occupancy by those
28 individuals; and

29 (2) All legally enforceable rights and interests incidental to individual ownership of
30 real property in a common ownership community.

31 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,

1 Maryland, that Section 13-319 of the Prince George's County Code be and the same is hereby
2 added:

3 **SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.**

4 **DIVISION 11. COMMON OWNERSHIP COMMUNITIES PROGRAM.**

5 **Sec. 13-319. Mandatory Alternative Dispute Resolution; filing disputes.**

6 (a) Any registered community association and/or an owner may request alternative dispute
7 resolution subject to the following:

8 (1) A party may not file an alternative dispute resolution request with the Office until
9 the party makes a good faith attempt to exhaust all procedures or remedies provided in the
10 association documents.

11 (2) If a party requests the alternative dispute resolution procedure, the Office shall
12 notify all parties of the filing and of the alternative dispute resolution session.

13 (3) The Office shall provide a qualified alternative dispute resolution specialist to meet
14 with the parties within thirty (30) days after a party requests the alternative dispute resolution
15 procedure to attempt to settle the dispute and render a written decision within 60 days.

16 (4) A party may file a dispute with the Office thirty (30) days after any procedure or
17 remedy provided in the association documents has been initiated before the association.

18 (5) The community association may not take any action to enforce or implement its
19 decision until the time to file a request for alternative dispute resolution process has been
20 exhausted and the opposing party has not requested alternative resolution process.

21 (6) When a dispute is filed with the Office, a community association may not take any
22 action to enforce or implement the association's decision until the process under this Section is
23 completed.

24 (7) A community association member may not file an action in any Prince George's
25 County Court until he/she has first attempted conflict resolution as outlined in this section.

26 (8) The Office may investigate facts and assemble documents relevant to a party if, in
27 its opinion, a dispute was not properly filed with the Office. The Office may dismiss a dispute if
28 it finds that there are no reasonable grounds to conclude that a violation of applicable law or a
29 violation of any association document has occurred, or it may investigate further.

30 (9) No association member or its representatives will be allowed to petition the courts
31 for resolution to a matter until all options in this section/subjection have been exhausted.

1 (10) The Office may reconsider the dismissal of a dispute under this Subsection if any
2 party, within thirty (30) days after the dispute is dismissed shows that:

3 (A) The Office erroneously interpreted or applied applicable law or an
4 association document; or

5 (B) Material issues of fact that are necessary to a fair resolution of the dispute
6 remain unresolved.

7 (11) Dismissal of a dispute shall not prevent a parties' rights to file a claim in the
8 appropriate court.

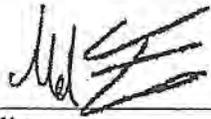
9 (b) The parties to an alternative dispute resolution session may not use statement or
10 information from alternative dispute resolution session in any later court proceedings and
11 alternative dispute resolution specialists and intake staff in Office may not be compelled to
12 testify in a court proceeding related to an alternative dispute resolution session.

13 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
14 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
15 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
16 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
17 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
18 Act, since the same would have been enacted without the incorporation in this Act of any such
19 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
20 or section.

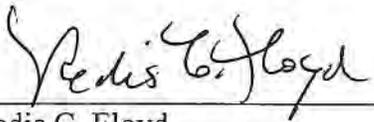
21 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
22 calendar days after it becomes law.

Adopted this 17th day of November, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: 
Mel Franklin
Chairman

ATTEST:


Redis C. Floyd
Clerk of the Council

DATE: _____

BY: _____
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

THE COUNTY EXECUTIVE HAVING FAILED TO RETURN THIS BILL WITH EITHER HIS APPROVAL OR VETO WITHIN TEN (10) DAYS AFTER THE DATE OF ITS PRESENTATION TO HIM, THIS BILL BECAME LAW ON DECEMBER 10, 2015.

Prince George's County Council Agenda Item Summary

Meeting Date: 11/17/2015
Reference No.: CB-058-2015
Draft No.: 3
Proposer(s): Davis, Glaros, Turner, Taveras
Sponsor(s): Davis, Glaros, Turner, Taveras, Lehman, Franklin, Patterson
Item Title: An Act concerning the Common Ownership Communities Program for the purpose of amending the Common Ownership Communities Program to assist governing bodies, owners, and residents of homeowners' associations, residential condominiums, and cooperative housing corporations with education, training, and dispute resolution and/or administrative hearing procedures in matters relating to these communities; and generally regarding Common Ownership Communities.

Drafter: Kathleen H. Canning, Legislative Officer
Resource Personnel: Nellvenia W. Johnson, Chief of Staff

LEGISLATIVE HISTORY:

| | | | |
|----------------------------|-----------------|--------------------------|---------------|
| Date Presented: | 7/21/2015 | Executive Action: | 12/10/2015 US |
| Committee Referral: | 7/21/2015 - THE | Effective Date: | 1/25/2016 |

Committee Action: 10/15/2015 - FAV(A)

Date Introduced: 10/20/2015
Public Hearing: 11/17/2015 - 10:00 AM

Council Action (1) 11/17/2015 - ENACTED
Council Votes: DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:A, DT:A, KT:A, TT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

13-314, 13-316, 13-319, 13-320, 13-321, 13-322, 13-323, 13-324, 13-325, 13-326, 13-327, 13-328

COMMITTEE REPORTS:

TRANSPORTATION, HOUSING AND THE ENVIRONMENT COMMITTEE

Date 10/15/2015

REVISED

Committee Vote: Favorable with Amendments, 5-0 (In favor: Council Members Lehman, Turner, Glaros, Franklin and Taveras)

The Legislative Officer provided a summary of the bill and referral comments that were received. CB-58-201 5 AN ACT CONCERNING THE COMMON OWNERSHIP COMMUNITIES PROGRAM for the purpose of amending the Common Ownership Communities Program to assist governing bodies, owners, and residents of homeowners' associations, residential condominiums, and cooperative housing corporations with education, training, and dispute resolution and/or administrative hearing procedures in matters relating to these communities; and generally regarding Common Ownership Communities.

John Gwynn, with the Prince Georges County Office of Law, Musa Eubanks and Dereck Davis with the Prince Georges County Office of Consumer Relations, and April Womack, Chair of the Alternative Dispute Resolution Subcommittee for the Common Ownership Task Force answered Committee questions and provided additional information to the Committee.

The Office of Law determined that CB-58-2015 (DR-3), as voted out of committee, was not in proper legislative form due to the lack of authority to enforce the language on Page 5, Lines 21 through 25, which reads:

“(6) When a dispute is filed with the Office, a community association may not take any action to enforce or implement the association’s decision until the process under this Section is completed.

(7) A community association member may not file an action in any Prince George’s County Court until he/she has first attempted conflict resolution as outlined in this section.”

The Office of Audits and Investigation indicated there should not be any negative fiscal impact on the County as a result of enactment CB-58-2015.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This bill enhances the County’s current Common Ownership Communities Program. This bill provides for education, training, and dispute resolution and/or administrative hearing procedures in matters relating to these communities.

10/20/2015: CB-58-2015 (DR-2) was amended on the floor as follows:

1. On page 5, in line 12, strike “mediation” and insert “alternative dispute resolution”.
2. On page 5, in line 13, strike “mediator” and insert “alternative dispute resolution specialist”.
3. On page 5, in line 14, strike “mediation” and insert “the alternative dispute resolution procedure”; and after “dispute” insert “and render a written decision within 60 days”.
4. On page 5, in line 15, after “party” strike “must” and insert “may”; and after “Office” strike “sixty (60)” and insert “thirty (30)”.

CB-58-2015 (DR-3) was introduced.

CODE INDEX TOPICS:

INCLUSION FILES:
