



Prince George's County, Maryland
Inter-Office Memorandum
Office of Law

LEGISLATIVE COMMENT

DATE: September 12, 2018

TO: Robert J. Williams, Jr., Council Administrator

THRU: Sandra Eubanks, Acting Committee Director
Transportation, Housing and Environment Committee (THE)

THRU: Jared M. McCarthy, County Attorney *JMM*

FROM: Dinora A. Hernandez, Associate County Attorney *DAH*

RE: CB-58-2018

The Office of Law has reviewed the above referenced bill as it was presented on July 24, 2018, and offers the following comments:

- Section 813(a) of the County Charter provides that "...the County Council shall refer to a referendum of the qualified voters of the County...any ordinance or resolution levying or charging the amount of any tax or fee in excess of the amount levied or charged in the preceding fiscal year." Here, this bill seeks to amend the bill by adding a fee for permits, therefore charging an amount in excess of the amount charged the preceding fiscal year. Therefore, an argument could be made that the fees for parking permits as listed in section (h) on pages 4 (line 32) and 5 (lines 1 and 2) are subject to the referendum requirements of 813. Among other things, Section 813(d)(1) of the County Charter provides that "[f]ees relating to licenses and permits for [street privileges] ... shall be exempt from the requirements of this Section..." It is uncertain whether parking permits fall under this exemption as the meaning and interpretation of "street privileges" is unclear.

- Section 10-202 of the Local Government Article of the Annotated Code for Maryland states that a “county may provide for the enforcement of an ordinance, a resolution, a bylaw, or a regulation...by civil fines not exceeding \$1,000”. Here, on page 2, lines 6 and 7, the bill seeks to impose a civil penalty of \$500 for an initial and repeat violation. Please be advised that civil penalties should be capped at \$1,000.