

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2024 Legislative Session

Bill No. CB-016-2024

Chapter No. _____

Proposed and Presented by Council Members Oriadha and Fisher

Introduced by Council Members Oriadha, Fisher, Watson, Olson, Burroughs, Hawkins,
Dernoga and Harrison

Co-Sponsors _____

Date of Introduction October 22, 2024

BILL

1 AN ACT concerning

2 Late-Night Business Safety Plan

3 For the purpose of requiring certain businesses that operate between 12:00 a.m. and 4:00 a.m.
4 to obtain a late-night safety plan from the Prince George’s County Police Department; that
5 requires the business to obtain an approved late-night safety plan before operating; that the
6 business must operate under the terms of the approved late-night safety plan; that an approved
7 late-night safety plan authorizes the business to operate for three (3) years; that at the
8 expiration of the three (3) period the business will need to obtain a new approved late-night
9 safety plan; and that businesses operating without an approved late-night safety plan are
10 subject in a civil fine for each day it operates without an approved late-night safety plan.

11 BY adding:

12 SUBTITLE 5. BUSINESSES AND LICENSES.

13 Section 5-167 through 5-167.06

14 The Prince George’s County Code

15 (2023 edition.)

16 SECTION 1. BE IT ENACTED by the County Council of Prince George’s County,
17 Maryland, that Sections 5-167 through 5-167.06 of the Prince George’s County Code be and the
18 same is hereby added:
19

SUBTITLE 5. BUSINESSES AND LICENSES.

DIVISION 6. PUBLIC SAFETY PLAN FOR LATE-NIGHT NIGHT BUSINESSES

[Reserved].

Sec. 5-167. Definitions [Reserved].

(a) In this Division the following words and terms shall have the denoted meanings:

(1) Business means any place of commerce or commercial activity operated by a person and open to the public, including but not limited to: retail, service, entertainment, adult entertainment, professional, food and beverage, cannabis, cigarette or liquor sales establishments.

(2) Department means the Prince George’s County Police Department.

(3) Late-Night Business means any Business that is open to the public at anytime between 12:00 AM and 4:00 AM.

(4) Late-Night Safety Plan means a plan approved by the Department in accordance with this Division.

(5) Person means:

(A) an individual; or

(B) a partnership, firm, association, corporation, or other entity of any kinds; or

(C) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind.

(D) Exclusion: Person does not include, unless otherwise expressly provided, a governmental entity or an instrumentality or unit of a governmental entity.

(5) Priority Area means one or more police response areas where Late-Night Businesses and the surrounding community would benefit by operating in accordance with a Late-Night Safety Plan as identified and published by the Department, based upon public safety indicators to include, but not limited to:

(A) crime levels;

(B) emergency calls; and

(C) non-emergency calls.

(6) Relevant Departments mean the Department of Permitting, Inspections, and

Enforcement, Department of Health, and the Board of License Commissioners.

Sec. 5-167.01. Prohibition, authorization.

- (a) A person shall not operate a Late-Night Business without first submitting a proposed Late-Night Safety Plan to the Department.
- (b) A person may only operate a Late-Night Business after the Late-Night Safety Plan is approved by the Department and only in accordance with the Plan.
- (c) A Late-Night Safety Plan expires three (3) years after its approval, and after such time a Late-Night Business must obtain a newly approved Late-Night Safety Plan from the Department in order to continue operating in the County.

Sec. 5-167.02. Requirements and promulgation.

- (a) The Department, after consultation with other Relevant Departments, shall promulgate rules and regulations to implement the mandates of this Division.
- (b) That the rules and regulations implemented by the Department shall:
 - (1) establish the process for the owner or operator of a Late-Night Business to submit a proposed Late-Night Safety Plan;
 - (2) establish the process for the Department to consider and approve, after consultation with other Relevant Departments, a proposed Late-Night Safety Plan;
 - (3) establish a process for the Department and with other Relevant Departments to provide best business safety resources, training information, and resources regarding business safety plans;
 - (4) establish a template that a Late-Night Business must use to submit a proposed Late-Night Business Safety Plan; and
 - (5) establish the minimum requirements of a Late-Night Safety Plan:
 - (A) which shall require:
 - (1) an emergency evacuation plan;
 - (2) 24-hour contact information for the business owner or manager;
 - (3) Exterior bathroom doors that are free opening at all times, if the bathroom facilities use bathroom stalls;
 - (4) An acknowledgement that the business has received late night business training from the County; and
 - (B) may require, with written justification, any or all of the following:

- (1) security training and security personnel physically present on or about the Late-Night Business's premises during the hours of 12:00 AM and 4:00 AM;
- (2) exterior lighting;
- (3) high-definition digital security cameras that provide video monitoring and recording, without audio recording capacity, or the interior and exterior of each entryway into the Late-Night Business and the cash register(s) or till(s).

(c) Security Camera Requirements. If a Late-Night Safety Plan requires the use of security cameras, then the Late-Night Safety Plan shall also require that the Late-Night Business owner or operator post signage in a conspicuous location on the interior and exterior of the business notifying the public that the Late-Night Business is subject to video surveillance monitoring.

(d) The Department may recommend, but must not require, that a Late-Night Business:

- (1) search patrons by the use of metal detectors, magnetometers, or pat downs; or
- (2) provide video recordings to the Department or other relevant departments, except when otherwise required by law.

Sec. 5-167.03. Penalty.

Any violation of this Division shall subject owner and/or operator of a Late-Night Business to a fine of not more than One Thousand Dollars (\$1,000); and each day the Late-Night Business operates in violation of this Division is a separate offense.

Sec. 5-167.04. Exemptions.

- (a) The following businesses shall be exempt from the applicability of this Division:
- (1) Hospitals;
 - (2) Healthcare Facilities;
 - (3) Lodging Establishments; and
 - (4) Movie Theaters.

Sec. 5-167.05. Annual Reporting.

The Department must provide a report every two (2) years to the County Council on the following:

- (a) Plans reviewed under this Section;

- 1 (b) Late-Night Businesses that have not submitted late night business safety plans;
- 2 (c) Recommendations for the improvement of late-night business safety;
- 3 (d) Grants provided under this Section; and
- 4 (e) Crime data for the area of each Late-Night Business before and after the approval of a
- 5 Late-Night Business safety plan for the business.

6 SECTION 2. BE IT FUTHER ENACTED that the Department must promulgate and
 7 submit proposed regulations to the Council and the County Executive within 180 days after this
 8 Act becomes law. The Department should make a good faith attempt to notify each affected
 9 Late-Night Business of its obligation to submit a proposed safety plan. At least sixty (60) days
 10 after the adoption and publication of the Department’s regulations, all required owners and/or
 11 operators of a Late-Night Business shall be in compliance with the regulations authorized and/or
 12 required by this Act.

13 SECTION 3. BE IT FURTHER ENACTED that the Prince George's County governing
 14 body acknowledges the importance of fostering a safe Late-Night Business environment and
 15 recommends the creation of a grant program aimed at assisting eligible businesses in
 16 implementing or enhancing their Late-Night Business safety plans. Effective Late-Night
 17 Business safety plans contribute significantly to reducing incidents of violence, accidents, and
 18 disorderly conduct during late-night hours. Businesses operating during late-night hours play a
 19 vital role in the local economy, providing essential services and entertainment options. Investing
 20 in their safety infrastructure ensures their continued viability and prosperity. The safety and
 21 security of residents and visitors within Prince George's County are of utmost importance.

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

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

Adopted this ____ day of _____, 2024.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Jolene Ivey
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
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.

* * * * *