

Prince George's County Council

Agenda Item Summary

Meeting Date: 11/18/2008
Reference No.: CB-070-2008
Draft No.: 3
Proposer(s): Dernoga, Campos, Olson, Knotts, Turner
Sponsor(s): Dernoga, Campos, Olson, Turner
Item Title: An Ordinance amending the regulations for volunteer fire, ambulance, or rescue stations

Drafter: Jackie Brown, Director, PZED Committee
Resource Personnel: Judith Thacher, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	10/7/2008	Executive Action:	
Committee Referral:	10/7/2008 - PZED	Effective Date:	1/5/2009
Committee Action:	10/15/2008 - FAV(A)		
Date Introduced:	10/21/2008		
Public Hearing:	11/18/2008 - 10:00 AM		
Council Action (1)	11/18/2008 - ENACTED		
Council Votes:	MB:A, WC:A, SHD:A, TD:A, CE:-, AH:A, TK:A, EO:A, IT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-441, 27-461, 27-473, 27-515, 27-539, 27-547

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT

Date 10/15/2008

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Exum, Dean, Dernoga, Knotts and Olson)

This legislation amends the Zoning Ordinance to clarify that certain ancillary uses are permitted within voluntary fire, ambulance, or rescue stations. Additional requirements, restrictions, and language concerning regulations for compliance with County and State laws are provided in various footnotes to the use tables.

Council Member Dernoga informed the committee that CB-70-2008 is intended to resolve an issue that volunteer stations have been confronting with the County's Department of Environmental Resources (DER) having difficulty obtaining use and occupancy permits for certain events being held at the stations. Mr. Dernoga believes that the ancillary uses should be permitted without the need for the legislation, but CB-70-2008 makes it clear and eliminates the need for a Memorandum of Understanding between the volunteer staff and the County which had been drafted to address the issue.

Doug "Bart" Bartholomew, President of the Prince Georges County Professional Fire Fighters & Paramedics Association, addressed the committee expressing concern regarding certain language in the legislation referencing "hall/assembly area" and the need to control activities within the fire stations. Mr. Bartholomew commented that the

stations are work sites and the County must ensure that delivery of service and the working conditions of personnel are not affected, especially within the stations where the engine hall also serves as the event hall. Bill Smith, representing the Prince Georges County Volunteer Fire and Rescue, spoke in support of the legislation due to ongoing concerns and issues with trying to obtain use and occupancy permits for various events which are helpful in providing financial support to the volunteer stations.

Tom Matzen, DER Deputy Director, informed the committee that the Fire Department holds a use and occupancy permit for a business use group which does not allow public use. Mr. Matzen also explained that even though CB-70-2008 will remove this hurdle, the stations will need a new use and occupancy permit for assembly use which will require that they meet the Life Safety Code and will involve extreme costs to comply given that certain stations will need an ancillary area separate from where the fire apparatus is stored. Given the requirements of the Life Safety Code, DER will still have concerns with issuing public dance licenses. He also noted that decisions made to date regarding use and occupancy permits at the fire stations have been based on Park and Planning's determination that pursuant to the Zoning Ordinance, an ancillary hall in a fire station is not legal.

Council Member Knotts expressed concern regarding the County's responsibility to protect surrounding communities from any trouble which might occur after certain events are held at the fire stations and whether the stations are immune to the same scrutiny as night clubs and other similar venues. Vernon Herron, Deputy Chief Administrative Officer for Public Safety, addressed the committee expressing the Administration's desire to work collaboratively and assist the volunteers. Mr. Herron commented that the Memorandum of Understanding which had been prepared does not entirely address the problem and noted his concerns with public safety personnel being required to staff events at the fire stations which may limit their availability in other areas of the County. He concurred with Council Member Knotts' concern with civil liability to the County for condoning certain events which have a history of violence.

Mr. Smith requested that the legislation be amended to allow the fire stations five years to comply with the Life Safety Code; however, the Legislative Officer commented that it could not be accomplished through CB-70-2008 because it amends Subtitle 27 which does not include the provisions of the Code which would need to be amended.

Council Member Dernoga commented that the legislation provides an incremental improvement to the issues by amending the Zoning Ordinance to clarify that certain ancillary uses are permitted; however, additional conversation between the County's administration and volunteers is necessary. Council Member Exum requested that the Council attorneys assist with forming a review committee with representatives from the County Council, County Executive, and volunteers for the purpose of trying to reach a resolution to the issues.

Council Member Bland requested that a list be provided of fire station status detailing the specifics of each location as it relates to separate hall/assembly areas being available within each location.

In response to Mr. Bartholomew's concern regarding the ability for the stations to ensure delivery of service and not interfere with working conditions of personnel, Council Member Olson proposed an amendment to add "not to include apparatus bays" after "hall/assembly area" in all of the footnotes provided in the legislation.

The committee voted favorably to include this amendment.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This legislation amends the provisions for volunteer fire, ambulance, or rescue stations to clarify that certain ancillary uses are permitted at these stations in accordance with certain regulations and requirements.

CODE INDEX TOPICS:

INCLUSION FILES:
