

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**1995 Legislative Session**

Bill No. \_\_\_\_\_ CB-21-1995

Chapter No. \_\_\_\_\_ 25

Proposed and Presented by Chairwoman MacKinnon (by request - County Executive)

Introduced by Council Members MacKinnon, Bailey, Del Giudice, Estep, Gourdine,  
Maloney, Russell, Scott, and Wilson

Co-Sponsors

Date of Introduction \_\_\_\_\_ May 16, 1995

**EMERGENCY BILL**

AN EMERGENCY ACT concerning

Special Assessments in Urban Areas

For the purpose of providing for the establishment of urban areas, including incorporated towns and cities, and providing for special assessments therein for certain municipal functions relating to recyclables, garbage and trash.

BY repealing and reenacting with amendments:

SUBTITLE 2. ADMINISTRATION.

Section 2-366,

The Prince George's County Code  
(1991 Edition, 1994 Supplement).

BY adding:

SUBTITLE 2. ADMINISTRATION.

Sections 2-384.03 and 2-384.04,  
comprising a new Subdivision 2,

The Prince George's County Code  
(1991 Edition, 1994 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that the following findings are hereby made:

1. Prince George's County, as a charter county, has the authority to enact local laws, ordinances or amendments thereof for the protection and promotion of public health, safety,

comfort and welfare, including the authority to enact local laws or ordinances relating to the disposal of wastes.

2. The State of Maryland requires that the County provide a method of disposing of solid waste.

3. The County has built and maintains, repairs and operates two landfills for the disposition of refuse of County residents.

4. The County has financed the landfills, as well as solid waste related programs through funds received from the tip fees and surcharges related to the tip fees.

5. Several landfills and transfer stations have been built in the vicinity making the solid waste disposal industry extremely competitive.

6. Recent Supreme Court action has jeopardized the County's authority to direct waste to the County owned and operated facilities.

7. State mandated participation in recycling programs has diverted solid waste away from the landfills.

8. Tonnage received at the County landfills has decreased dramatically.

9. All of these factors have negatively impacted the financial ability of the County to continue to maintain the landfills and solid waste disposal program of the County thereby placing in jeopardy the public health, safety, comfort and welfare of the entire County.

10. It is necessary that the financing of the landfill and solid waste disposal program be funded in significant measure on a County wide basis.

11. The County desires to create one or more urban areas encompassing the entire County in order to perform municipal functions related to solid waste disposal.

SECTION 2. BE IT FURTHER ENACTED that Section 2-366 of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments:

**SUBTITLE 2. ADMINISTRATION.**

**DIVISION 22. URBAN AREAS.**

**Subdivision 1. General.**

**Sec. 2-366. Definitions.**

(a) As used in this [Division] Subdivision:

(1) **Suburban area** shall mean a geographical area less than an urban area, as established by the Department of Environmental Resources for administrative purposes only.

(2) **Urban area** shall mean the entire County, excluding any incorporated town or city.

SECTION 3. BE IT FURTHER ENACTED that new Sections 2-384.03 and 2- 384.04, comprising a new Subdivision 2, be and the same are hereby added to the Prince George's County Code:

**SUBTITLE 2. ADMINISTRATION.**

**DIVISION 22. URBAN AREAS.**

**Subdivision 2. Urban Areas for recyclables, garbage and trash.**

**Sec. 2-384.03. Establishment of urban areas.**

(a) Notwithstanding the limitations set forth in Subdivision 1 hereof, the County Executive may establish or create within the County or any portion thereof, urban areas for the purposes of providing municipal functions and services of recyclables collection, removal, disposition, and acquisition and operation of a site for the disposition of such recyclables, and garbage and trash disposition and the acquisition and operation of a site or sites for the disposition of such garbage and trash.

**Sec. 2-384.04. Method of establishing urban area; levying special assessments.**

(a) The method of establishing urban areas as provided in Section 2-384.03 shall be as set forth in Subdivision 1, above.

(b) The method of levying special assessments for such urban areas shall be as set forth in Subdivision 1, above.

SECTION 4. BE IT FURTHER ENACTED that in accordance with the provisions of Section 317 of the Charter, the County Council hereby declares that a public emergency exists affecting the public health, safety, and welfare; said emergency being the need to amend the laws of the County in order to implement the solid waste funding mechanisms anticipated in the FY96 budget in an expeditious manner.

SECTION 5. BE IT FURTHER ENACTED that this Act shall take effect on the day it becomes law.

Adopted this 27th day of June , 1995 by an affirmative vote of two-thirds of the members of the full County Council.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY:

Anne T. MacKinnon  
Chairwoman

ATTEST:

Joyce T. Sweeney  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_

BY:

Wayne K. Curry  
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.