

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2004 Legislative Session

Bill No. CB-89-2004

Chapter No. 55

Proposed and Presented by Council Members Peters, Dean, Dernoga, Exum

Harrington, Knotts and Bland

Introduced by Council Members Peters, Dean, Dernoga, Exum, Harrington

Knotts and Bland

Co-Sponsors _____

Date of Introduction October 5, 2004

SUBDIVISION BILL

1 AN ACT concerning

2 Adequate Public Facilities

3 For the purpose of amending the test for adequate public facilities at the time of preliminary plat
4 of subdivision and establishing a new adequate public safety facilities test.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 24. SUBDIVISIONS.

7 Section 24-122.01,

8 The Prince George's County Code

9 (2003 Edition).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
11 Maryland, that Section 24-122.01 of the Prince George's County Code be and the same is hereby
12 repealed and reenacted with the following amendments:

13 SUBTITLE 24. SUBDIVISIONS.

14 **DIVISION 3. REQUIREMENTS: PLANNING, DESIGN, AND PUBLIC FACILITIES.**

15 **Sec. 24-122.01. Adequacy of public facilities.**

16 (a) The Planning Board may not approve a subdivision plat if it finds that adequate
17 public facilities do not exist or are not programmed for the area within which the proposed
18 subdivision is located, as defined in the "Guidelines for the Analysis of Development Impact on
19 Fire and Rescue Facilities," "Guidelines for the Analysis of Development Impact on Police

1 Facilities," and "Guidelines for the Analysis of the Traffic Impact of Development Proposals."
 2 The Planning Board shall require adequate public facilities, as provided in this Section and in
 3 Division 4 of this Subtitle.

4 (b) Water and sewerage.

5 (1) The location of the property within the appropriate service area of the Ten Year
 6 Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability
 7 of public water and sewerage for preliminary or final plat approval.

8 (c) Police facilities.

9 (1) Before any preliminary plat may be approved, the Planning Board shall find that:

10 (A) The population and/or employees generated by the proposed subdivision at
 11 each stage of the proposed subdivision will not exceed the service capacity of existing police
 12 stations as determined by the Planning Board in the "Guidelines for the Analysis of Development
 13 Impact on Police Facilities," as may be amended from time to time; or

14 (B) An adequate police facility available to serve the population and/or
 15 employees generated by the proposed subdivision has been programmed with one hundred
 16 percent (100%) of the expenditures for the construction of such a facility within the adopted
 17 County Capital Improvement Program as determined under the "Guidelines"; or

18 (C) That improvements participated in or funded by the subdivider will alleviate
 19 any inadequacy as determined under the "Guidelines."

20 (d) Fire and rescue facilities.

21 (1) Before any preliminary plat may be approved, the Planning Board shall find that:

22 (A) The population and/or employees generated by the proposed subdivision at
 23 each stage of the proposed subdivision will be within the adequate coverage area of the nearest
 24 fire and rescue station(s) as determined by the Planning Board in the "Guidelines for the
 25 Analysis of Development Impact on Fire and Rescue Facilities" as may be amended from time to
 26 time; or

27 (B) An adequate fire and rescue station(s) available to serve the population
 28 and/or employees generated by the proposed subdivision has been programmed with one
 29 hundred percent (100%) of the expenditures for the construction of such a facility within the
 30 adopted County Capital Improvement Program as determined under the "Guidelines", provided,
 31 however, that if construction of such improvements has not commenced within nine years after

1 the first year the project is fully funded in an adopted County Capital Improvement Program, the
 2 preliminary plat may not be considered and approved by the Planning Board based upon future
 3 construction until such facilities are actually constructed; or

4 (C) That improvements participated in or funded by the subdivider will alleviate
 5 any inadequacy as determined under the "Guidelines."

6 (2) Before any preliminary plat may be approved, if the location of the property
 7 proposed for subdivision is outside the appropriate service area of the Ten Year Water and
 8 Sewerage Plan or is in the Rural Tier, the Planning Board shall require the subdivider to provide
 9 water storage tanks, the availability of water tanker trucks, or other appropriate source of water
 10 for fire extinguishing purposes.

11 (e) Data Collection by Office of Audits and Investigations and Office of Management and
 12 Budget.

13 (1) Except as provided in Subsection (3), below, the Chief of Police and the Fire
 14 Chief shall submit the following information to the County Office of Audits and Investigations,
 15 County Office of Management and Budget, and the Planning Board:

16 (A) For Police personnel, a statement of authorized strength of sworn
 17 officers of at least:

18 (i) Ninety percent (90%) of an authorized strength of 1420 equaling
 19 1278 sworn officers on and after December 31, 2004;

20 (ii) Ninety-five percent (95%) of an authorized strength of 1420
 21 equaling 1349 sworn officers on and after December 31, 2005; and

22 (iii) One Hundred percent (100%) of an authorized strength of 1420
 23 sworn officers on and after December 31, 2006;

24 (B) For Fire personnel, a statement of authorized strength of fire and rescue
 25 personnel of at least:

26 (i) Ninety-five percent (95%) of an authorized strength of 692
 27 equaling 657 fire and rescue personnel on and after December 31, 2004; and

28 (ii) One Hundred percent (100%) of an authorized strength of 692 fire
 29 and rescue personnel on and after December 31, 2005.

30 (C) A statement reflecting adequate equipment pursuant NFPA 1710, the
 31 Tri-Data Study conducted by the County, or the Public Safety Master Plan for police and fire

1 stations in the vicinity of the area proposed for subdivision; and

2 (D) A statement by the Police Chief that the rolling twelve-month average,
 3 adjusted monthly, and/or fractile time, for response times in the vicinity of the property proposed
 4 for subdivision is a maximum of twenty-five (25) minutes total for non-emergency calls and a
 5 maximum of ten (10) minutes total for emergency calls for service. In this Section, total time
 6 means the length of time from the call for service until the arrival of police personnel on-scene.

7 (E) A statement by the fire chief that the rolling twelve-month average,
 8 and/or fractile time, for response times in the vicinity of the property proposed for subdivision is
 9 a maximum of:

10 (i) in the Rural Tier of the County, eight (8) total minutes for engines
 11 or basic life support and ten (10) total minutes for advanced life support; or

12 (ii) in areas outside the Rural Tier of the County, six (6) total minutes
 13 for engines and basic life support and ten (10) total minutes for advanced life support. In this
 14 Section, total time means the length of time from the call for service until arrival of the fire or
 15 rescue personnel on-scene.

16 (2) If any of the required statements in this Subsection are not provided that meet the
 17 criteria specified in this Section, then the Planning Board may not approve the preliminary plat.

18 (3) The provisions of Subsection (e) (1) shall not apply to commercial or industrial
 19 applications for preliminary plats.

20 SECTION 2. BE IT FURTHER ENACTED that the Council shall review the provisions of
 21 this Act on or before July 31, 2006.

22 SECTION 3. BE IT FURTHER ENACTED that this Act shall not apply to applications for
 23 preliminary plats filed and accepted on or before November 16, 2004.
 24

1 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect thirty (30)
2 calendar days after it becomes law.

Adopted this 16th day of November, 2004.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Tony Knotts
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
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.