

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2011 Legislative Session

Bill No. CB-11-2011

Chapter No. 12

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Members Turner and Patterson

Co-Sponsors _____

Date of Introduction June 14, 2011

BILL

1 AN ACT concerning

2 Roads and Sidewalks

3 For the purpose of amending the provisions for surety bond reductions posted for certain road
4 construction and the payment of extension fees for road construction and storm drain permits
5 until April 15, 2012.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 23. ROADS AND SIDEWALKS.

8 Sections 23-116 and 23-122

9 The Prince George's County Code

10 (2007 Edition, 2010 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, that Sections 23-116 and 23-122 of the Prince George's County Code be and the same
13 are hereby repealed and reenacted with the following amendments:

14 SUBTITLE 23. ROADS AND SIDEWALKS.

15 DIVISION 2. PERMITS, BONDS, FEES.

16 **Sec. 23-116. Bonds; required.**

17 * * * * *

18 (h) Refund Agreements for Phases of Work Completed.

19 (1) Cash, letters of credit, certificates of guarantee, and other instruments, not to
20 include surety bonds, posted by the permittee and accepted by the County may be refunded upon
21 request of the permittee on a prorated basis, depending on the value of the completed and

1 approved work, as follows:

% OF WORK COMPLETED	% REFUND AMOUNT
50	25
80	75
Acceptance	100

2 (2) Reduction in the Amount of a Surety Bond Posted for Urban Road
3 Classifications. When all work is completed on a permit except the placement of sod and the
4 planting of trees, the permittee may request a reduction in the surety bond amount to fifty percent
5 (50%) of the original amount or Twenty-five Thousand Dollars (\$25,000.00), whichever is
6 greater, provided that all of the storm water drainage systems have been constructed by the
7 permittee and approved by the Director.

8 (3) There shall be no reduction in the amount of a surety bond posted for rural road
9 classifications.

10 (4) Release of Claims. In no event shall any labor and materialman's bond be
11 reduced or released until all claims by laborers and material suppliers have been paid, and a
12 release of claims covering the work completed has been filed with the Department.

13 (5) Notwithstanding the provisions of Subsections (h)(2) and (3) of this Section, until
14 April 15, 2012, surety bonds posted for urban road classifications and rural road classifications
15 may be reduced, upon the request of the permittee, on a prorated basis, depending on the value of
16 the completed and approved work as follows:

<u>% OF WORK COMPLETED</u>	<u>% REDUCTION OF ORIGINAL BOND POSTED</u>
<u>50</u>	<u>25</u>
<u>80</u>	<u>50</u>
<u>Acceptance</u>	<u>100</u>

17 A request for reduction shall be processed contingent upon the permit being valid (not expired)
18 and the permit site being in compliance with all County and State regulations. In the case of a
19 permit which is not valid or the permit site is not in compliance with County and State
20 regulations, a request for reduction shall be processed once the permit is made valid and/or the

1 site is brought into compliance. Any request for reduction shall be processed by the Department
2 within 45 days of receipt.

3 * * * * *

4 **Sec. 23-122. Extension; fees for extension.**

5 * * * * *

6 (b) Fee for extension.

7 (1) A fee in the amount of twenty-five percent (25%) of the original permit fee, but
8 not less than Twenty-five Dollars (\$25.00), shall be charged for an extension of a valid permit
9 (not to include road construction or haul road permits).

10 (2) The fee for an extension of a road construction permit shall be twenty-five percent
11 (25%) of the original permit fee. Where the percentage of completion of a road construction
12 permit exceeds ninety percent (90%) as determined by the Department, the permit fee shall be a
13 maximum of Seven Hundred Fifty Dollars (\$750.00).

14 (3) Until April 15, 2012, the fee for an extension of a valid road construction or storm
15 drain permit where the percentage of completion of work is less than ninety percent (90%) shall
16 be twenty-five percent (25%) of the original permit fee for an extension period of two (2) years.
17 For any such permit, one half of the extension fee shall be paid no later than the permit
18 expiration date and the remainder of the extension fee shall be paid no later than one (1) year
19 thereafter. Any request for permit extension shall be processed by the Department within forty-
20 five (45) days of receipt.

21 (c) Security. The only forms of security which shall be acceptable to the County for the
22 extension of a permit shall be either a Cash Bond, an Irrevocable Letter of Credit, Surety Bond,
23 or a Certificate of Guarantee.

24 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act shall be
25 abrogated and be of no further force and effect after April 15, 2012.

26 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
27 calendar days after it becomes law and shall be retroactively effective to April 16, 2011.

Adopted this 12th day of July, 2011.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Ingrid M. Turner
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
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.