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

Legislative Session

1992

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Bill No. CB-34-

1992

Chapter No.

35

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Proposed and Presented by The Chairman (by request -

County

Executive)

Introduced by Council Members Casula and

Bell

Co-Sponsors

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Date of Introduction May 26,

1992

**BILL**

AN ACT concerning

Health Fees

FOR the purpose of adding or amending certain fines and fees charged by the Health Department for permits and inspections.

BY repealing and reenacting with amendments:

SUBTITLE 5. BUSINESSES AND LICENSES.

Sections 5-214.1,  
5-214.2,  
5-216,  
5-218.1,  
5-221,  
5-254,  
5-276,  
5-277,  
5-289,  
5-308, and  
5-309,

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

SUBTITLE 12. HEALTH.

Sections 12-110,  
12-111,  
12-166, and  
12-170,

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

SUBTITLE 19. POLLUTION.

Section 19-104,

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

SUBTITLE 22. ON-SITE SEWAGE DISPOSAL  
SYSTEMS.

Sections 22-103,  
22-104, and  
22-117,

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

BY adding:

SUBTITLE 5. BUSINESSES AND LICENSES.

Section 5-254.1,

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

SUBTITLE 12. HEALTH.

Sections 12-111.1, and  
12-170.1,

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

SUBTITLE 22. ON-SITE SEWAGE DISPOSAL  
SYSTEMS.

Section 22-134,  
The Prince George's County Code  
(1991 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 5-214.1, 5-214.2, 5-216, 5-218.1, 5-221, 5-254, 5-276, 5-277, 5-289, 5-308, 5-309, 12-110, 12-111, 12-166, 12-170, 19-104, 22-103, 22-104, and 22-177 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

**SUBTITLE 5. BUSINESSES AND LICENSES.**

**DIVISION 17. SWIMMING POOLS.**

**Subdivision 3. Licenses.**

**Sec. 5-214.1. Fee.**

(a) The fee for the issuance of a public swimming pool license shall be Two Hundred Fifty Dollars [(\$200.00)] (\$250.00). A duplicate license will be issued, on request, at a charge of Fifteen Dollars (\$15.00).

**Sec. 5-214.2. Approval of Plans.**

(a) No person shall construct or substantially alter any public swimming pool or its appurtenances, until plans and specifications have been submitted to and approved by the Prince George's County Health Department. At the time of submitting plans to the Health Department for new or remodeled swimming pools, a fee of [One] Two Hundred Dollars ([\$100.00]) (\$200.00) for new pools or a fee of One Hundred Fifty (\$150.00) for remodeled pools shall be paid [to help defray the cost of processing].

(b) A fee of Twenty-five Dollars (\$25.00) shall be paid for each resubmittal of plans after the first resubmittal. An additional fee of Twenty-five Dollars (\$25.00) shall be paid for each reinspection after the first reinspection required prior to approval to operate. A fee of Twenty-five Dollars (\$25.00) shall be paid for prospective inspections, consultations and equipment evaluations.

**Sec. 5-216. Temporary suspension.**

(a) Public swimming pool licenses issued pursuant to this Subdivision shall be subject to temporary suspension by the County Health Officer for reasons of turbidity, improper chlorination, insufficient supervision, improper water pH, excess cyanuric acid, or if [he has] there are reasonable grounds to believe that a real health or safety hazard exists.

The pool may reopen after suspension upon correction of the violation. The Health Department must be notified of the correction by the next working day. Upon reinspection by the

Health Department, if the initial violation has not been corrected, the pool will be closed and written permission from the Health Department must be obtained and a fee of Seventy-five Dollars (\$75.00) must be paid before reopening.

**Sec. 5-218.1. Fee.**

(a) The fee for the issuance of a public swimming pool operator's license shall be [~~Fifteen~~] Thirty Dollars [~~(\$15.00)~~] (\$30.00).

(b) A duplicate license will be issued, on request, at a charge of Fifteen Dollars (\$15.00).

**Sec. 5-221. Preopening inspection.**

(a) A preopening inspection of all seasonal pools shall be made by the Health Department to determine compliance with all provisions of this Division prior to issuing the yearly operating license required in Section 5-213.

(b) A fee of Seventy-five Dollars (\$75.00) shall be paid for each preopening reinspection.

**DIVISION 20. NURSING HOMES AND**

**RELATED FACILITIES.**

**Sec. 5-254. License fee.**

(a) The annual license fee for each facility shall be Four Dollars (\$4.00) per bed for domiciliary care beds and Twenty Dollars (\$20.00) per bed for all other classifications with a minimum fee of Twenty-five Dollars (\$25.00) for each facility, renewable annually upon payment of the fee.

(b) A duplicate license will be issued, on request, at a

charge of Fifteen Dollars (\$15.00).

**DIVISION 22. PUBLIC SPAS.**

**Subdivision 2. Licenses.**

**Sec. 5-276. Public spa license required.**

\* \* \* \* \*

(c) Each application for a public spa license shall be accompanied by a fee of Two Hundred Fifty Dollars [(\$200.00)] (\$250.00), no part of which shall be refundable. Except, however, that no fee shall be required for public spas which are located on the same premises with swimming pools currently licensed by the Health Department in accordance with Division 17 of this Subtitle. A duplicate license will be issued, on request, at a charge of Fifteen Dollars (\$15.00).

\* \* \* \* \*

**Sec. 5-277. Operator's license required.**

(a) No person shall act as a public spa operator without a valid public swimming pool operator's license issued by the Health Department pursuant to [this] Division 17.

[(b) Public spa operators' licenses may be issued to those qualified applicants, sixteen (16) years of age or older, upon proof of successful completion of a training course or written examination approved by the Health Department. Such courses shall cover no less than ten hours of instruction in subjects including health consideration, recirculation pumps, filters, water quality, water disinfection, pool safety and first aid, housekeeping and record keeping, off-season protection and

public relations.

(c) Each application for a public spa operator's license shall be accompanied by a \$10.00 fee, no part of which is refundable.

(d) Public spa operators' licenses issued pursuant to this Section shall be issued for a two-year period.]

**Subdivision 5. Construction Design.**

**Sec. 5-289. Construction approval.**

\* \* \* \* \*

(b) Copies of plans and specifications for new or substantially altered public spas shall be submitted directly to and approved by the following agencies and Departments: two (2) copies to the Health Department; the appropriate number of copies to the Department of Environmental Resources for the County; one (1) copy to the Washington Suburban Sanitary Commission. Such plans and specifications shall provide sufficient information for the Health Department and Department of Environmental Resources to make a detailed review, in order to issue the appropriate building permit, including but not limited to: (1) location diagram; (2) site plan; (3) spa layout plan; (4) piping layout plan; (5) filter room layout plan; (6) bathhouse plan; (7) equipment specifications; and (8) structural details of the spa and its supporting system. All equipment shall meet design standards of this Division, and the construction shall meet the County Building Code requirements.

At the time of submitting plans to the Health Department for

new or remodeled public spas, [other than those associated with a swimming pool,] a fee of [One] Two Hundred Dollars [(\$100.00)] (\$200.00) for new spas or a fee of One Hundred Fifty Dollars (\$150.00) for remodeled spas shall be paid [to help defray the cost of processing]. A fee of Twenty-five Dollars (\$25.00) shall be paid for each resubmittal of plans after the first resubmittal. An additional fee of Twenty-five Dollars (\$25.00) shall be paid for each reinspection after the first reinspection required prior to approval to operate. A fee of Twenty-five Dollars (\$25.00) shall be paid for prospective inspections, consultations and equipment evaluations.

\* \* \* \* \*

**Subdivision 6. Enforcement.**

**Sec. 5-308. Inspections.**

\* \* \* \* \*

(b) The Health Officer or authorized representative shall conduct a pre-opening inspection of every seasonal public spa to determine compliance with this Division prior to issuing an annual operating license pursuant to Section 5-276 of this Division. A fee of Seventy-five Dollars (\$75.00) shall be paid for each preopening reinspection.

\* \* \* \* \*

**Sec. 309. Temporary suspension of license.**

\* \* \* \* \*

(c) If, upon reinspection, the Health Officer determines

that the initial violation has not been corrected, the public spa shall be closed pursuant to the temporary suspension. The public spa shall not reopen until written authorization is obtained from and a fee of Seventy-five Dollars (\$75.00) is paid to the Health Department.

\* \* \* \* \*

**SUBTITLE 12. HEALTH.**

**DIVISION 2. FOOD SERVICE FACILITIES.**

**Subdivision 3. Permits and Inspections.**

**Sec. 12-110. Posting permit; term; renewal; fees.**

\* \* \* \* \*

(c) The permit fee shall be [Fifty Dollars (\$50.00)] Seventy-five Dollars (\$75.00) for Class II, and One Hundred [Fifty] Seventy-five Dollars [(\$150.00)] (\$175.00) for Class I, III and IV "special food service facilities" as defined in COMAR 10.15.03; One Hundred Fifty Dollars (\$150.00) for non-profit organizations not specifically exempted from the fee in this Subsection (c) or Subsection (g), below; [One Hundred fifty Dollars (\$150.00)] One Hundred Seventy-five Dollars (\$175.00) for facilities with a Low Priority Hazard Analysis Critical Control Point (HACCP) assessment; [Two Hundred Fifty Dollars (\$250.00)] Two Hundred Seventy-five Dollars (\$275.00) for facilities with a Moderate Priority HACCP assessment; [Three Hundred Fifty Dollars (\$350.00)] Three Hundred Seventy-five Dollars (\$375.00) for facilities with a High Priority HACCP assessment; and [Two

Hundred Fifty Dollars (\$250.00)] Two Hundred Seventy- five Dollars (\$275.00) for all other food service facilities which do not have a HACCP priority assessment, provided that non-profit organizations operating for a temporary period food and drink concessions which are staffed solely by members of the organization shall not be required to pay the fees prescribed in this Section; and provided further that food service facilities operated by the Prince George's County Board of Education, Blind Industries and Services of Maryland established by Chapter 566, Acts of 1908, or the Capital Area Community Food Bank [, Inc.] and its recipient organizations in Prince George's County, Maryland, shall not be required to pay the fees prescribed in this Section. The Capital Area Community Food Bank [, Inc.,] will provide a list of recipient organizations to the Prince George's County Health Department on the first day of each year and amend that list as new recipient organizations are added. A duplicate permit will be issued, on request, at a charge of Fifteen Dollars (\$15.00).

(d) At the time of submitting plans to the Health Department for a new or remodeled food service facility, a fee of [One Hundred Fifty] Two Hundred Dollars [(\$150.00)] (\$200.00) for new facilities or a fee of One Hundred Fifty Dollars (\$150.00) for remodeled facilities shall be paid [to help defray the cost of processing of the plans and the initial inspection]. A fee of Twenty-five Dollars (\$25.00) shall be paid for each resubmittal of plans after the first resubmittal.

An additional fee of [Fifty Dollars (\$50.00)] Twenty-five Dollars (\$25.00) shall be paid for each reinspection after the first reinspection required prior to approval [of a use and occupancy permit] to operate. A fee of Twenty-five Dollars (\$25.00) shall be paid for prospective inspections, consultations and equipment evaluations.

(e) Any holder of a permit issued pursuant to this Section who is required to pay a fee for said permit and who fails to submit to the Health Officer an application for renewal of the permit, together with the required fee, no later than five (5) days following the expiration date of the existing permit, shall be assessed an additional fee of [Fifteen Dollars (\$15.00)] Twenty Dollars (\$20.00) per day for each day following the expiration date of the existing permit.

\* \* \* \* \*

**Sec. 12-111. Closure; reinstatement after suspension of permit; fines.**

\* \* \* \* \*

(b) Any person whose permit has been suspended pursuant to the regulations adopted herein may at any time thereafter apply in writing for reinstatement of the permit. Upon receipt of such application, the Health Officer shall have an inspection of the premises made, and if the food service facility is found to be in compliance with the requirements of this Division, the appropriate requirements of the Secretary of Health and Mental Hygiene and the health laws of the State and County, the Health

Officer shall reinstate the permit. A fee of [Seventy-five Dollars (\$75.00)] One Hundred Dollars (\$100.00) shall be paid for each such inspection performed during regular working hours and a fee of [One Hundred Fifty Dollars (\$150.00)] One Hundred Seventy-five Dollars (\$175.00) shall be paid for inspections performed during weekend or evening hours.

\* \* \* \* \*

**DIVISION 6. VENDING MACHINES.**

**Sec. 12-166. Permit fee.**

(a) For every vending machine location permit issued, a fee of [Seventy Dollars (\$70.00)] One Hundred Dollars (\$100.00) shall be paid before the issuance of any permit.

(b) A duplicate permit will be issued, on request, at a charge of Fifteen Dollars (\$15.00).

**DIVISION 7. CONGREGATE LIVING FACILITIES  
FOR THE ELDERLY OR PHYSICALLY  
HANDICAPPED.**

**Sec. 12-170. License application, expiration, prohibition of transfers.**

\* \* \* \* \*

(d) Each application to operate a congregate living facility shall be accompanied by a fee of [Fifty Dollars (\$50)] One Hundred Dollars (\$100.00). All licenses issued shall expire one (1) year from the date of issuance unless revoked. Fees shall not be refunded. A duplicate license will be issued, on request, at a charge of Fifteen Dollars (\$15.00).

\* \* \* \* \*

(f) Application for renewal of the license shall be made each year at least sixty (60) days before the expiration of the issued license, submitted on forms provided by the Department, and accompanied by a [Fifty Dollar (\$50)] One Hundred Dollar (\$100.00) license renewal fee. A duplicate license will be issued, on request, at a charge of Fifteen Dollars (\$15.00).

\* \* \* \* \*

**SUBTITLE 19. POLLUTION.**

**DIVISION 1. AIR POLLUTION.**

**Sec. 19-104. Open fire permits required; fees.**

\* \* \* \* \*

(c) There shall be a fee of [Seventy-five Dollars (\$75.00)] One Hundred Twenty-five Dollars (\$125.00) for an open fire permit issued for the purpose of land clearing. The fee for all other open fire permits and for permit renewals shall be [Ten Dollars (\$10.00)] Twenty-five Dollars (\$25.00). A duplicate permit will be issued, on request, at a charge of Fifteen Dollars (\$15.00).

\* \* \* \* \*

**SUBTITLE 22. ON-SITE SEWAGE DISPOSAL SYSTEMS.**

**DIVISION 2. SOIL PERCOLATION TESTERS, CONTRACTORS, AND CLEANERS OF SEWAGE SYSTEMS.**

**Subdivision 1. Separate Licenses for**

**Contractors**

**and Percolation Testers.**

**Sec. 22-103. License application; fees.**

\* \* \* \* \*

[(c) Any person applying for both a contractor's license and a percolation tester's license at the same time may pay a single license fee as designated by the Health Officer for both licenses.]

**Sec. 22-104. License term; renewal fee.**

\* \* \* \* \*

[(c) Any person renewing both a contractor's license and a percolation tester's license may pay a single renewal fee as designated by the Health Officer for both licenses.]

**DIVISION 3. SEWAGE DISPOSAL SYSTEMS.**

**Subdivision 1. Permit.**

**Sec. 22-117. Permit application; fee; information.**

(a) Any person desiring to obtain a permit, a permit renewal, or to conduct a percolation test, or test for an Innovative/Alternative disposal system, pursuant to this Division shall apply to the Health Officer on forms provided for that purpose by the Health Officer. Application for a permit shall be made only by the owner of an individual lot or his authorized representative. It is the responsibility of the applicant to maintain a current address on the application.

(b) The fee for each application filed shall be as designated by the Health Officer and payable upon filing the

application. No fee shall be assessed for filing an application for a privy [or remodeling of an existing sewage disposal system].

SECTION 2. BE IT FURTHER ENACTED that new Sections 5-254.1, 12-111.1, 12-170.1, and 22-134 be and the same are hereby added to the Prince George's County Code:

**SUBTITLE 5. BUSINESSES AND LICENSES.**

**DIVISION 20. NURSING HOMES AND RELATED FACILITIES.**

**Sec. 5-254.1. Approval of Plans.**

No person shall construct or substantially alter any nursing home or related facility, until plans and specifications have been submitted to and approved by the Prince George's County Health Department. At the time of submitting plans to the Health Department for new or remodeled nursing homes or related facilities, a fee of Two Hundred Dollars (\$200.00) for new facilities or a fee of One Hundred Fifty Dollars (\$150.00) for remodeled facilities shall be paid.

A fee of Twenty-five Dollars (\$25.00) shall be paid for each resubmittal of plans after the first resubmittal. An additional fee of Twenty-five (\$25.00) shall be paid for each reinspection after the first reinspection required prior to approval to operate. A fee of Twenty-five Dollars (\$25.00) shall be paid for prospective inspections, consultations and equipment evaluations.

**SUBTITLE 12. HEALTH.**

**DIVISION 2. FOOD SERVICE FACILITIES.**

**Subdivision 3. Permits and Inspections.**

**Sec. 12-111.1. Hearings.**

A fee of One Hundred Dollars (\$100.00) shall be charged for administrative/enforcement hearings held pursuant to this Division. The permit holder will not be obligated to pay the fee for the scheduled hearing if a request to cancel or reschedule is received at least twenty- four (24) hours in advance of the scheduled hearing.

**DIVISION 7. CONGREGATE LIVING FACILITIES**

**FOR THE ELDERLY OR**

**PHYSICALLY**

**HANDICAPPED.**

**Sec. 12-170.1. Approval of Plans.**

No person shall construct or substantially alter any congregate living facility, until plans and specifications have been submitted to and approved by the Prince George's County Health Department. At the time of submitting plans to the Health Department for new or remodeled congregate living facilities, a fee of Two Hundred Dollars (\$200.00) for new facilities or a fee of One Hundred Fifty Dollars (\$150.00) for remodeled facilities shall be paid. A fee of Twenty-five Dollars (\$25.00) shall be paid for each resubmittal of plans after the first resubmittal. An additional fee of Twenty-five Dollars (\$25.00) shall be paid for each reinspection after the first reinspection required prior to approval to operate. A

fee of Twenty-five Dollars (\$25.00) shall be paid for prospective inspections, consultations and equipment evaluations.

**SUBTITLE 22. ON-SITE SEWAGE DISPOSAL SYSTEMS.**

**DIVISION 3. SEWAGE DISPOSAL SYSTEMS.**

**Subdivision 3. Nuisances and Inspections.**

**Sec. 22-134. Certification of Agricultural Well Use.**

Upon receipt of a written request from the current owner and an inspection fee as designated by the Health Officer, the Health Officer may investigate the use of an existing water supply system to be maintained for agricultural use. The written request shall include a complete property description by street address and the telephone number of the property owner. The inspection fee does not include any costs for water sample analysis.

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 23rd day of June, 1992.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Richard J. Castaldi  
Chairman

ATTEST:

\_\_\_\_\_  
Joyce T. Sweeney  
Acting Clerk of the Council

APPROVED:

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

BY:

\_\_\_\_\_  
Parris N. Glendening  
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.