

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

Bill No. CB-26-2011

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

Proposed and Presented by Council Member Franklin

Introduced by \_\_\_\_\_

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_

**SUBDIVISION BILL**

1 AN ACT concerning

2 Adequate Public Facilities

3 For the purpose of amending the adequate public safety facilities test.

4 BY repealing and reenacting with amendments:

5 SUBTITLE 24. SUBDIVISIONS.

6 Section 24-122.01,

7 The Prince George's County Code

8 (2007 Edition, 2010 Supplement).

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 11 repealed and reenacted with the following amendments:

**SUBTITLE 24. SUBDIVISIONS.**

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

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

15 (a) The Planning Board may not approve a subdivision [plat] plan if it finds that adequate  
 16 public facilities do not exist or are not programmed for the area within which the proposed  
 17 subdivision is located, as defined in the "Guidelines for the Mitigation of Adequate Public  
 18 Facilities: Public Safety Infrastructure" and "Guidelines for the Analysis of the Traffic Impact of  
 19 Development Proposals." The Planning Board shall require adequate public facilities, as  
 20 provided in this Section and in Division 4 of this Subtitle.

21 (b) Water and sewerage.

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

(c) Police facilities.

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

(A) The population and/or employees generated by the proposed subdivision at each stage of the proposed subdivision will not exceed the service capacity of existing police stations as determined by the Planning Board in the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure" as may be amended from time to time; or

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

(C) That improvements participated in or funded by the subdivider, including participation in a specific Public Facilities Financing and Implementation Program as defined in Section 27-107.01(186.1), will alleviate any inadequacy as determined under the "Guidelines."

(d) Fire and rescue facilities.

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

(A) The population and/or employees generated by the proposed subdivision at each stage of the proposed subdivision will be within the adequate coverage area of the nearest fire and rescue station(s) as determined by the Planning Board in the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure" as may be amended from time to time, provided however, that a preliminary plan shall not be approved if the proposed subdivision is located within a fire service area in which the response time for an emergency call for service exceeds a total of seven (7) minutes; or

(B) An adequate fire and rescue station(s) available to serve the population and/or employees generated by the proposed subdivision has been programmed with one hundred percent (100%) of the expenditures for the construction of such a facility within the adopted County Capital Improvement Program as determined under the "Guidelines", provided,

1 however, that if construction of such improvements has not commenced within nine (9) years  
 2 after the first year the project is fully funded in an adopted County Capital Improvement  
 3 Program, the preliminary [plat] plan may not be considered and approved by the Planning Board  
 4 based upon future construction until such facilities are actually constructed; or

5 (C) That improvements participated in or funded by the subdivider, including  
 6 participation in a specific public facilities financing and implementation program as defined in  
 7 Section 27-107.01(186.1), will alleviate any inadequacy as determined under the "Guidelines."

8 (D) For purposes of compliance with this subsection, response times shall be  
 9 stated in whole numbers, rounding where necessary in the following manner: (a) decimal places  
 10 between .01 and .49 shall be rounded to the nearest lower whole number; and (b) decimal places  
 11 between .50 and .99 shall be rounded to the nearest higher whole number.

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

17 (e) Data Collection by Office of Audits and Investigations and Office of Management and  
 18 Budget.

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

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

24 (i) Ninety percent (90%) of an authorized strength of One Thousand Four  
 25 Hundred Twenty (1,420) equaling One Thousand Twelve Hundred Seventy Eight (1,278) sworn  
 26 officers on and after December 31, 2004;

27 (ii) Ninety-five percent (95%) of an authorized strength of One Thousand  
 28 Four Hundred Twenty (1,420) equaling One Thousand Three Hundred Forty Nine (1,349) sworn  
 29 officers on and after December 31, 2005; and

30 (iii) One Hundred percent (100%) of an authorized strength of One  
 31 Thousand Four Hundred Twenty (1,420) sworn officers on and after December 31, 2006;

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

(i) Ninety-five percent (95%) of an authorized strength of Six Hundred Ninety Two (692) equaling Six Hundred Fifty Seven (657) fire and rescue personnel on and after December 31, 2004; and

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

(C) A statement reflecting adequate equipment pursuant to studies and regulations used by the County, or the Public Safety Master Plan for police and fire stations in the vicinity of the area proposed for subdivision; and

(D) A statement by the Police Chief that the rolling twelve-month average, adjusted monthly, for response times in the [vicinity] police district of the property proposed for subdivision is a maximum of twenty-five (25) minutes total for non-emergency calls and a maximum of ten (10) minutes total for emergency calls for service. Prior to January 2006, the Police Chief shall calculate the cumulative average response times beginning with the January 2005 response time data. In this Section, total time means the length of time from the call for service until the arrival of Police personnel on-scene or other appropriate police response.

(E) A statement by the Fire Chief that the [response time for the first due station in the vicinity] rolling twelve-month average, adjusted monthly for response times for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes [travel time] total. For purposes of compliance with this subsection, response times shall be stated in whole numbers, rounding where necessary in the following manner: a) decimal places between .01 and .49 shall be rounded to the nearest lower whole number; and b) decimal places between .50 and .99 shall be rounded to the nearest higher whole number. The Fire Chief shall submit monthly reports chronicling actual response times for calls for service during the preceding month.

(2) If any of the required statements in this Subsection are not provided that meet the criteria specified in this Section on the date the application is accepted by the Planning Board or within the following three (3) monthly cycles of response time reports, then the Planning Board may not approve the preliminary [plat] plan until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board].

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

(4) The governing body of the County may waive any surcharge imposed within the developed tier.

SECTION 2. BE IT FURTHER ENACTED that preliminary plans of subdivision with an approval date that is prior to July 1, 2001, shall be subject to an adequate public safety facilities test, but shall not be required to pay additional mitigation fees if such fees were previously paid at the time of grading permit.

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect thirty (30) calendar days after it becomes law.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 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.