

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

**2024 Legislative Session**

Bill No. CB-016-2024

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

Proposed and Presented by Council Members Oriadha and Fisher

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

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

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

**BILL**

1 AN ACT concerning

2 Late-Night Business Safety Plan

3 For the purpose of requiring certain businesses that operate between 10:00 p.m. and 6:00 a.m.  
4 to obtain a late-night safety plan from the Office of the County Executive, or their Designee;  
5 that requires the business to obtain an approved late-night safety plan before operating; that the  
6 business must operate under the terms of the approved late-night safety plan; that an approved  
7 late-night safety plan authorizes the business to operate for three (3) years; that at the expiration  
8 of the three (3) period the business will need to obtain a new approved late-night safety plan;  
9 and that businesses operating without an approved late-night safety plan are subject in a civil  
10 fine for each day it operates without an approved late-night safety plan.

11 BY adding:

12 SUBTITLE 5. BUSINESSES AND LICENSES.

13 Section 5-167 through 5-167.06

14 The Prince George's County Code

15 (2023 edition.)

16 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
17 Maryland, that Sections 5-167 through 5-167.06 of the Prince George's County Code be and the  
18 same is hereby added:

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**SUBTITLE 5. BUSINESSES AND LICENSES.**

**DIVISION 6. PUBLIC SAFETY PLAN FOR LATE-NIGHT NIGHT BUSINESSES**

**[Reserved].**

**Sec. 5-167. Definitions [Reserved].**

(a) In this Division the following words and terms shall have the denoted meanings:

- (1) **Business** means any place of commerce or commercial activity operated by a person and open to the public, including but not limited to: retail, service, entertainment, professional, lodging, food and beverage, cannabis, cigarette or liquor sales establishments. *Business* does not include hospitals or any health care facilities.
- (2) **Department** means the Office of the County Executive, or one or more offices or departments designated by the County Executive.
- (3) **Late-Night Business** means any Business that is:
  - (A) open to the public at anytime between 10:00 PM and 6:00 AM; or
  - (B) open to the public at any time between 10:00 PM and 2:00 AM and, within the previous 12 months, has been the subject of two (2) or more service calls for law enforcement regarding alleged serious incidents occurring on or originating from the premises.
- (4) **Late-Night Safety Plan** means a plan approved by the Department in accordance with this Division.
- (5) **Person** means:
  - (A) an individual; or
  - (B) a partnership, firm, association, corporation, or other entity of any kinds; or
  - (C) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind.
  - (D) Exclusion: Person does not include, unless otherwise expressly provided, a governmental entity or an instrumentality or unit of a governmental entity.
- (5) **Priority Area** means one or more police response areas where Late-Night Businesses and the surrounding community would benefit by operating in accordance with a Late-Night Safety Plan as identified and published by the Department, based upon public safety indicators to include, but not limited to:

(A) crime levels;

(B) emergency calls; and

(C) non-emergency calls.

(6) **Relevant Departments** mean the Prince George's County Police Department, the Department of Environmental Protection, the Department of Permitting, Inspections, and Enforcement, Department of Health, the Regional Service Centers, and the Board of License Commissioners.

**Sec. 5-167.01. Prohibition, authorization.**

(a) A person shall not operate a Late-Night Business without first submitting a proposed Late-Night Safety Plan to the Department.

(b) A person may only operate a Late-Night Business after the Late-Night Safety Plan is approved by the Department and only in accordance with the Plan.

(c) A Late-Night Safety Plan expires three (3) years after its approval, and after such time a Late-Night Business must obtain a newly approved Late-Night Safety Plan from the Department in order to continue operating in the County.

**Sec. 5-167.02. Requirements and promulgation.**

(a) The Department, after consultation with other Relevant Departments, shall promulgate rules and regulations to implement the mandates of this Division.

(b) That the rules and regulations implemented by the Department shall:

(1) establish the methodology used to identify a police response area as a Priority Area;

(2) establish the process for the owner or operator of a Late-Night Business to submit a proposed Late-Night Safety Plan;

(3) establish the process for the Department to consider and approve, after consultation with other relevant departments, a proposed Late-Night Safety Plan;

(4) establish a process for the Department and with other relevant departments to provide training to business regarding safety and to periodically verify compliance with an approved Late-Night Safety Plan;

(5) establish a template that a Late-Night Business must use to submit a proposed Late-Night Business Safety Plan; and

(6) establish the minimum requirements of a Late-Night Safety Plan:

(A) which shall require:

- (1) an emergency evacuation plan;
- (2) 24-hour contact information for the business owner or manager;
- (3) Exterior bathroom doors that are free opening at all times, if the bathroom facilities use bathroom stalls;
- (4) An acknowledgement that the business has received late night business training from the County; and

(B) may require, with written justification, any or all of the following:

- (1) security training and security personnel physically present on or about the Late-Night Business's premises during the hours of 10:00 PM and 6:00 AM;
- (2) exterior lighting;
- (3) high-definition digital security cameras that provide video monitoring and recording, without audio recording capacity, or the interior and exterior of each entryway into the Late-Night Business and the cash register(s) or till(s).

(c) Security Camera Requirements. If a Late-Night Safety Plan requires the use of security cameras, then the Late-Night Safety Plan shall also require that the Late-Night Business owner or operator post signage in a conspicuous location on the interior and exterior of the business notifying the public that the Late-Night Business is subject to video surveillance monitoring.

(d) The Department may recommend, but must not require, that a Late-Night Business:

- (1) search patrons by the use of metal detectors, magnetometers, or pat downs; or
- (2) provide video recordings to the Department or other relevant departments, except when otherwise required by law.

### **Sec. 5-167.03. Appeals.**

A Late-Night Business may appeal the disapproval of a plan or the identification of a business as a late-night business as defined above, to the Board of Appeals.

### **Sec. 5-167.04. Penalty.**

Any violation of this Division shall subject owner and/or operator of a Late-Night Business to a fine of not more than One Thousand Dollars (\$1,000); and each day the Late-Night Business operates in violation of this Division is a separate offense.

**Sec. 5-167.05. Grant Program.**

- (a) Program established. There is a Late-Night Business Safety Plan grant program.
- (b) Eligibility requirements. A Late-Night Business may qualify to receive a grant under the program if:
  - (1) the grant is used solely to offset the costs of implementing an approved or recommended late night business safety plan; and
  - (2) the grant application is submitted in the form and manner prescribed by the Department.
- (c) Funding Limitations.
  - (1) Grants under the program are subject to appropriation.
  - (2) The Department must prioritize awarding grants to late night businesses that require plans over those recommended plans.
  - (3) The Department may seek federal and / or state funding to support the program.

**Sec. 5-167.06. Annual Reporting.**

The Department must provide an annual report to the County Council on the following:

- (a) Plans reviewed under this Section;
- (b) Late night businesses that have not submitted late night business safety plans;
- (c) Recommendations for the improvement of late-night business safety;
- (d) Grants provided under this Section; and
- (e) Crime data for the area of each late-night business before and after the approval of a late night business safety plan for the business.

SECTION 2. BE IT FUTHER ENACTED that the Department must promulgate and submit proposed regulations to the Council for review within 180 days after this Act becomes law. Within 90 days after notice of the approved regulations is published in the County Register, each Late-Night Business must submit a proposed Late-Night Business Safety Plan to the Department for review. The County Executive, or their designee should make a good faith attempt to notify each affected Late-Night Business of its obligation to submit a proposed safety plan.

SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of

competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2024.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Jolene Ivey  
Chair

ATTEST:

\_\_\_\_\_  
Donna J. Brown  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Angela D. Alsobrooks  
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.

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