



Prince George's County Council

Agenda Item Summary

Meeting Date: 4/30/2024

Effective Date:

Reference No.: CB-016-2024

Chapter Number:

Draft No.: 1

Public Hearing Date:

Proposer(s): Oriadha and Fisher

Sponsor(s): Oriadha and Fisher

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

Drafter: Amanda Denison, Chief Legislative Attorney

Resource Personnel: Joel Peebles

LEGISLATIVE HISTORY:

Date:	Acting Body:	Action:	Sent To:
03/12/2024	County Council	presented and referred	GOFP
	Action Text: This Council Bill was presented by Council Members Oriadha and Fisher and referred to the Government Operations and Fiscal Policy Committee.		
04/30/2024	County Council	discharged from Committee	
	Action Text: A motion was made by Vice Chair Harrison, seconded by Council Member Watson, that this Council Bill be discharged from Committee. The motion carried by the following vote: Aye: 10 Ivey, Harrison, Dernoga, Burroughs, Fisher, Franklin, Hawkins, Olson, Oriadha and Watson Absent: 1 Blegay		
04/30/2024	County Council	referred	COW
	Action Text: This Council Bill was referred to the Committee of the Whole.		

AFFECTED CODE SECTIONS:05-167

BACKGROUND INFORMATION/FISCAL IMPACT:

This bill will require businesses that operate during the hours of 10:00 p.m. through 6:00 a.m. to obtain a late-night business safety plan from the Prince George's County Police Department before it (i.e. business) can operate within the County. Some Businesses that operate during these late-night hours present additional safety concerns for law enforcement and the neighboring communities. Neither the taxpayers (i.e. law enforcement) nor the neighboring communities should bear the entire cost associated with ensuring the safety of the business(es)' patrons and members of the community. Since the business(es)' commercial activity(ies) may, in part, be the cause of the increase safety concerns it (i.e. business) should bear some the responsibility for ensuring the safety of its patrons. Section 302, Article III of the Prince George's County Charter vests in the County Council general police powers.

"The power of a political subdivision of this State to enact laws depends on the extent to which the Maryland General Assembly has delegated to it its legislative powers which are plenary, except as limited by constitutional provisions. Accordingly, Baltimore County has the authority to pass local laws upon all matters covered by its grant of express powers from the General Assembly. Those express powers specify that, as a charter county, Baltimore County may pass any ordinance, resolution, or bylaw not inconsistent with State law that may aid in maintaining the peace, good government, health, and welfare of the county. Md. Code Ann., Local Government Article, § 10-206(a)(2) (2013). In short, Baltimore County has the express power to pass ordinances to protect the public's health and safety." *Baddock v. Balt. Cty*, 239 Md. App. 467, HN1 (2018).

Document(s): B2024016