

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2005 Legislative Session**

Resolution No. CR-78-2005  
Proposed by Council Member Peters  
Introduced by Council Members Peters, Harrington, Exum, Campos and Dean  
Co-Sponsors \_\_\_\_\_  
Date of Introduction October 25, 2005

**RESOLUTION**

1 A RESOLUTION concerning

2 Adequate Public Safety Facilities Mitigation Guidelines

3 For the purpose of approving Guidelines for the Mitigation of Adequate Public Facilities for  
4 Public Safety Infrastructure.

5 WHEREAS, Chapter 594, Laws of Maryland, 2005, codified at Section 10-192.11 of the  
6 County Code, authorized the County to impose by ordinance a public safety surcharge on new  
7 residential construction for which a preliminary plan of subdivision has been approved on or  
8 after July 1, 2005; and

9 WHEREAS, the County Council enacted and the County Executive signed CB-56-2005 to  
10 make certain amendments incorporating the imposition of a public safety surcharge into the  
11 County's existing Adequate Public Facilities Ordinance, Subtitle 24, Division 3 of the County  
12 Code; and

13 WHEREAS, Section 3 of CB-56-2005 required the Director of the Office of Management  
14 and Budget, after consultation with the Planning Director, the Chief of Police and the Fire Chief  
15 to submit to the County Council for its approval, guidelines for the mitigation of public safety  
16 facilities in those areas of the County that do not allow the approval of a preliminary plan of  
17 subdivision by the Planning Board in accordance with Section 24-122.01(e); and

18 WHEREAS, the Director of the Office of Management and Budget has submitted draft  
19 Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure, attached  
20 hereto as Attachment A, for the Council's consideration and approval; and

21 WHEREAS, the Director of the Office of Management and Budget and the Office of Audits  
22 and Investigations shall semiannually review the adopted Guidelines for the Mitigation of

1 Adequate Public Facilities: Public Safety Infrastructure.

2 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's  
3 County, Maryland, that the Guidelines for the Mitigation of Adequate Public Facilities: Public  
4 Safety Infrastructure be and the same are hereby approved and effective on the date of adoption  
5 of this Resolution.

Adopted this 1st day of November, 2005.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Samuel H. Dean  
Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

**ATTACHMENT A**

**GUIDELINES FOR THE MITIGATION OF ADEQUATE PUBLIC FACILITIES: PUBLIC SAFETY INFRASTRUCTURE**

**1. INTRODUCTION**

The Prince George’s County Council enacted CB-56-2005 effective August 3, 2005. Specifically, the legislation provides for the measurement of response times for the Police Department and the Fire/EMS Department to determine the adequacy of public safety services at the time of subdivision. Further, CB-56-2005 requires that not later than July 30, 2005, the Director of the Office of Management and Budget, after consultation with the Planning Director, the Chief of Police and the Fire Chief, shall submit to the County Council for its approval proposed guidelines for the mitigation of public safety facilities in those areas of the County that do not allow the approval of a preliminary plan of subdivision by the Planning Board in accordance with Section 24-122.01(e).

This document titled, “GUIDELINES FOR THE MITIGATION OF ADEQUATE PUBLIC FACILITIES: PUBLIC SAFETY INFRASTRUCTURE”, is prepared for the purpose of satisfying the aforementioned requirement.

**2. DEFINITIONS**

<b>APF</b>	Adequate Public Facilities
<b>PUBLIC SAFETY MITIGATION FEE<sup>1</sup></b>	The fee paid per dwelling unit by an applicant or applicants as a means of mitigating the impact on public safety facilities in an area of the County that has police and/or fire response times in excess of those required under CB-55-2005. For FY 2006, the fee shall be \$3,780 per dwelling unit for applications that fail in the Police District and \$1,320 per dwelling unit for applications that fail in the Fire Service Area. If the application fails both the police and fire test, the applicant shall pay the combined fee of \$5,100 per dwelling unit. The fee shall be adjusted annually thereafter by the percentage change in the Consumer Price Index for All Urban Consumers published by the United States Department of Labor from the previous fiscal year. The fee shall be paid at the time of issuance of a grading permit for the development.
<b>PUBLIC SAFETY SURCHARGE</b>	As authorized by Chapter 594, Laws of Maryland 2005 (House Bill 1129) and required by CB-55-2005, the surcharge paid per dwelling unit by an applicant or applicants at the time of building permit.

<sup>1</sup> Calculated by the Office of Management and Budget.

<b>DEVELOPED TIER</b>	The sub area of the County consisting primarily of inner-County areas that are largely developed, as defined by the 2002 General Plan.
<b>DEVELOPING TIER</b>	The largely suburban sub area of the County located primarily in the central portion of the County, as defined by the 2002 General Plan.
<b>RURAL TIER</b>	The sub area of the County located on the outer portion of the County consisting primarily of undeveloped land, as defined by the 2002 General Plan.
<b>PRELIMINARY PLAN OF SUBDIVISION APPROVAL</b>	The date of enactment of the resolution of approval by the Planning Board.
<b>MITIGATION PLAN</b>	An agreement between the County and applicant detailing the applicant's commitment to either pay the Public Safety Mitigation Fee, provide equipment and/or facilities that equal or exceed the cost of the Public Safety Mitigation Fee, or provide a combination of in kind services and supplemental payment of the Public Safety Mitigation Fee. For an applicant who does not choose to pay solely the mitigation fee, the applicant shall submit its proposed mitigation plan simultaneously to the County Council and County Executive, and the County Council may submit written comments on the plan to the County Executive for consideration in the ratified mitigation plan. The ratified mitigation plan shall be made a part of the application and record for the preliminary plan. Pursuant to CB-56-2005, the Plan must be filed with the Planning Board to allow for the approval of the applicant's preliminary plan where approval would have been otherwise denied due to failure of the adequate public facilities test.
<b>STAFF</b>	The staff of the Prince George's County Planning Department.
<b>SUBDIVISION</b>	Preliminary plan of subdivision.
<b>IN KIND SERVICES</b>	As an alternative to payment of the Public Safety Mitigation Fee, applicant may provide equipment and/or facilities from a list of identified needs that equal or exceed the cost of the Public Safety Mitigation Fee. Equipment and/or facilities shall be necessary to meet the deficiencies in public safety resources for the proposed preliminary plan as required by Section 24-122.01(e).
<b>POOLING RESOURCES</b>	Two or more applicants may join together to purchase equipment or build facilities from a list of identified needs that equal or exceed the cost of the Public Safety Mitigation Fee. Equipment and/or facilities shall be necessary to meet the deficiencies in public safety resources for the proposed preliminary plans as required by Section 24-122.01(e).

### 3. TEST PROCEDURES<sup>2</sup>

**A.** The Police Chief shall submit a statement that the rolling twelve-month average, adjusted monthly, for response times in the vicinity of the property proposed for subdivision is a maximum of twenty-five minutes total for non-emergency calls and a maximum of ten minutes total for emergency calls for service in each of the police districts. 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.

**B.** The Fire Chief shall submit a statement that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven minutes travel time.

**C.** If an application for a preliminary plan is located in an area that fails either of the requirements mentioned above, then the Planning Board may not approve the preliminary plan until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board.

### 4. MITIGATION PLAN

#### Police Districts –

- If an application for a preliminary plan fails in any of the police service districts *and* the actual response times for both emergency calls and non-emergency calls do not exceed 20% above the respective required response times, the applicant may offer to mitigate as provided below.
- If an application for a preliminary plan fails in any of the police districts *and* the actual response times for emergency calls and/or non-emergency calls are greater than 20% above the required emergency response time, the applicant may not mitigate.
- 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.

#### Fire Service Areas –

- If an application for a preliminary plan fails in any of the fire service areas, an applicant may offer to mitigate as provided below.

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<sup>2</sup> Summarized from CB-56-2005

The Public Safety Mitigation Fee will be assessed when the applicant applies for grading permits with the Department of Environmental Resources.

**A. Public Safety Mitigation Fee**

- i. The fees per dwelling unit would consist of \$3,780 per unit if the test has failed in any of the police districts. This number was derived from the costs associated with building and equipping police stations to house the police officers that are necessary to help meet the response times associated with CB-56-2005.
- ii. If the application fails in a fire service area, the fee per dwelling unit would consist of \$1,320 per unit. This number was derived from the costs associated with building and equipping fire stations to house the fire and EMS personnel that are necessary to help meet the response times associated with CB-56-2005.
- iii. If the application fails both the police and fire test, the applicant shall pay the combined fee of \$5,100 per dwelling unit.
- iv. The Public Safety Surcharge shall not be reduced by the payment of any Public Safety Mitigation Fee.

Beginning in Fiscal Year 2007, the fee shall be adjusted by July 1 of each year by the percentage change in the Consumer Price Index for All Urban Consumers published by the United States Department of Labor from the previous fiscal year. The fee shall be paid at the time of issuance of a grading permit for the development.

**B. IN KIND SERVICES**

An applicant may offer to provide equipment and or facilities that equal or exceed the cost of the Public Safety Mitigation Fee or offer a combination of in kind services and supplemental payment of the Public Safety Mitigation Fee. Acceptance of in kind services are at the discretion of the County based on the public safety infrastructure required to bring the subdivision in conformance with the standards mandated by CB-56-2005.

**C. POOLING RESOURCES**

Applicants may pool together with other applicants to purchase equipment or build facilities that would equal or exceed the cost of paying the Public Safety Mitigation Fee. Acceptance of pooled resources to provide in kind services are at the discretion of the County based on the public safety infrastructure required to bring the subdivision in conformance with the standards mandated by CB-56-2005.

## **5. USE OF FUNDS**

The Public Safety Mitigation Fee shall be used in the police districts or fire service areas that are failing the response time requirements of CB-56-2005. For example, guidance provided by the Approved Operating Expense and Capital Budgets, Tri Data Final Report dated May 2004, the Maryland-National Capital Park and Planning Commission, and the Approved Public Safety Master Plan will be considered.