

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2000 Legislative Session

Bill No. CB-61-2000

Chapter No. 55

Proposed and Presented by Council Members Bailey, Scott, Shapiro and Wilson

Introduced by Council Members Bailey, Scott, Shapiro and Wilson

Co-Sponsors _____

Date of Introduction June 27, 2000

BILL

1 AN ACT concerning

2 Refuse Fees

3 For the purpose of establishing a special assessment tax rate for commercial properties and
4 commercial uses for garbage and trash disposition; providing clarifying language regarding the
5 residential rate reduction; providing for adjustments in the residential and commercial fee rates;
6 providing that the residential fee limitation is contingent upon the existence and implementation
7 of the commercial fee; and complying with the provisions of Section 817C of the County
8 Charter.

9 BY repealing and reenacting with amendments:

10 SUBTITLE 2. ADMINISTRATION.
11 Section 2-375,
12 The Prince George's County Code
13 (1999 Edition, as amended by CB-15-2000).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
15 Maryland, that Section 2-375 of the Prince George's County Code be and the same is hereby
16 repealed and reenacted with the following amendments:

17 **SUBTITLE 2. ADMINISTRATION.**

18 **DIVISION 22. URBAN AREAS.**

19 **Subdivision 1. General.**

20 **Sec. 2-375. Tax levy for municipal functions.**

21 * * * * *

1 (b) The special assessment taxes levied by the Council for the costs of garbage and trash
 2 collection, removal and disposition, including site acquisition and operation shall be by an ad
 3 valorem tax against all of the improved properties assessed for County tax purposes within the
 4 area receiving trash and garbage removal and disposition service. The Council may in its
 5 discretion prescribe the method of payment and the rate of tax for the costs of the collection,
 6 removal and disposition of trash and garbage as follows: the basis of the tax to be the total costs
 7 of said service divided by the number of units served. The Council may vary the tax rate as
 8 between individual residential units and commercial establishments. Such decision as to any
 9 variance for such service by the Council shall be conclusive.

10 (1) The special assessment tax rate for garbage and trash disposition and the
 11 acquisition and operation of a site or sites for the disposition of such garbage and trash shall be
 12 established on a per unit basis.

13 (2) The special assessment tax rate for garbage and trash disposition and the
 14 acquisition and operation of a site or sites for the disposition of such garbage and trash for
 15 residential and commercial uses shall be based upon the amount of garbage and trash anticipated
 16 to be generated by each type of use. The County Executive shall collect appropriate data,
 17 analyze waste generation, and recommend a reasonable system of rates and charges for adoption
 18 by the Council in conjunction with the adoption of the annual operating budget.

19 (3) [At the time any special assessment tax rate is implemented for commercial
 20 properties, the] The special assessment tax rate for residential and commercial properties and
 21 commercial uses shall be established at rates that are designed to generate the same total revenue
 22 previously generated by the residential rate alone, provided, however, that the rates shall be
 23 adjusted to ensure sufficient revenue to cover the increase in the cost of providing services. For
 24 Fiscal Year 2002 and each fiscal year thereafter, the rate for residential properties shall not
 25 exceed thirty dollars per fiscal year per residential unit[.] for that portion of the residential
 26 property refuse fee known as the Base Benefit Fee. For Fiscal Year 2002 and each fiscal year
 27 thereafter, the special assessment tax rate for commercial properties and commercial uses shall
 28 be calculated by assigning each business type to a waste generation classification system of low,
 29 medium and high, with a corresponding waste generation as follows:

30 0 to 3.99 pounds per improved square foot per fiscal year – low;

31 4.00 to 5.99 pounds per improved square foot per fiscal year – medium; and

1 6.00 & above pounds per improved square foot per fiscal year – high.

2 For Fiscal Year 2002, the initial unit dollar charge shall be \$4.40 for low generators;
 3 \$11.00 for medium generators; and \$15.40 for high generators for each 100 square feet of
 4 improved area. The actual special assessment tax rate for commercial properties and commercial
 5 uses charged is the product of the unit dollar charge and the improved square footage of each
 6 establishment divided by 100. In subsequent fiscal years, the special assessment tax rate charged
 7 for each classification may be adjusted to generate sufficient revenue required to offset the
 8 \$20.00 per residential unit reduction in the Base Benefit Fee portion of the Residential Solid
 9 Waste Special Assessment Tax Rate. In addition, beginning July 1, 2003, the Commercial and
 10 Residential Solid Waste Special Assessment Tax Rate may also be adjusted each fiscal year to
 11 reflect increased County Recycling and Disposal System costs not to exceed the Consumer Price
 12 Index – all urban consumers for the Washington-Baltimore Metropolitan area using the January
 13 base index for the ensuing fiscal year.

14 (4) The County Executive shall provide an independent process to hear the appeal by
 15 the owner of any commercial property of the assignment of the property to a business type or
 16 waste generator category or of any physical measurement of the property that is alleged to be
 17 incorrectly calculated.

18 SECTION 2. BE IT FURTHER ENACTED that the limit on the residential Base Benefit
 19 Fee enacted by CB-15-2000 is contingent upon the existence and implementation of a special
 20 assessment tax rate for commercial property and commercial uses, and in the event that any
 21 portion of the special assessment tax rate for commercial property and commercial uses is
 22 declared invalid or unconstitutional by a court of competent jurisdiction, the provisions of
 23 Section 2-375 shall revert to their condition on April 24, 2000.

24 SECTION 3. BE IT FURTHER ENACTED that, pursuant to Section 817C of the Prince
 25 George's County Charter, this Act is hereby referred to a referendum of the legally qualified
 26 voters of Prince George's County at the general election to be held in November of 2000. The
 27 County governing body and the Prince George's County Board of Elections shall do those things
 28 necessary and proper to provide for and hold the referendum required by Section 817C of the
 29 Prince George's County Charter. If a simple majority of the votes cast on the question are "For
 30 the referred law" the provisions of this Act shall become effective immediately, but if a simple
 31 majority of the votes cast on the question are "Against the referred law" the provisions of this

1 Act are of no effect and null and void. The question to be certified to the Prince George's
2 County Board of Elections for inclusion on the ballot for said general election shall be in
3 substantially the following form:

4 REFUSE FEES

5 AN ACT to reduce the residential base benefit fee rate by \$20.00 and to impose a new
6 commercial rate for garbage and trash collection and disposal.

Adopted this 25th day of July, 2000.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Dorothy F. Bailey
Chair

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Wayne K. Curry
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.

**NOTE: APPROVED BY A MAJORITY OF THE VOTERS AT REFERENDUM ON
11/7/2000.**

EFFECTIVE DATE: DECEMBER 8, 2000