

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2010 Legislative Session

Bill No. CB-33-2010

Chapter No. 30

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Member Dernoga

Co-Sponsors _____

Date of Introduction June 15, 2010

BILL

1 AN ACT concerning

2 Scenic Easement Tax Credit

3 For the purpose of amending requirements related to the tax credit criteria for the Scenic
4 Easement Tax Credit.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 10. FINANCE AND TAXATION.

7 Section 10-241,

8 The Prince George's County Code

9 (2007 Edition, 2009 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
11 Maryland, that Section 10-241 of the Prince George's County Code be and the same is hereby
12 repealed and reenacted with the following amendments:

13 **SUBTITLE 10. FINANCE AND TAXATION.**

14 **DIVISION 8. TAX ASSESSMENT, LEVY AND COLLECTION.**

15 **SUBDIVISION 6. SCENIC EASEMENT TAX CREDIT.**

16 **Sec. 10-241. Criteria for tax credit.**

17 (a) After application, the Council shall determine whether the Maryland-National Capital
18 Park and Planning Commission or the State Department of Forests and Parks has characterized
19 the land as an "open area" or "open space," and if so, shall issue the notice in due form to be
20 delivered by the landowner to the Director of Finance. In the event such characterization has not
21 been made, the Council may issue such notice if it finds that the scenic easement instrument

1 provides all of the following criteria to qualify for the tax credit allowed:

2 * * * * *

3 (5) [No tree larger than six (6) inches in diameter and thirty (30) feet in height shall be
4 cut down without the written permission of the grantee or its authorized representative; except,
5 that clearing such land for site improvement, road construction or removing trees for the purpose
6 of protecting utility lines and to eliminate a hazard to persons or property may be exercised
7 without prior permission if no more than twenty (20) such trees are to be cut.] The property is in
8 conformance with all applicable provisions of Division 2 of Subtitle 25 and/or an approved Tree
9 Conservation Plan.

10 * * * * *

11 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
12 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
13 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
14 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
15 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
16 Act, since the same would have been enacted without the incorporation in this Act of any such
17 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.
18

1 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect on
2 September 1, 2010.

Adopted this 13th day of July, 2010.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
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.