

COUNTY ORDINANCE NO. 08-07

A BILL ENTITLED

AN ACT CONCERNING the Provision of Emergency Services in Queen Anne's County.

FOR THE PURPOSE of requiring consideration of the provision of emergency services in connection with development approvals in Queen Anne's County, Maryland; requiring communications and meetings between developers and representatives of local volunteer fire departments; permitting the approval of restrictive covenants providing for assessments for emergency services;

BY ADDING Section 18:1-205 G. to the Code of Public Local Laws of Queen Anne's County, AND AMENDING Sections 18:1-148 D. and 18:1-160 of the Code of Public Local Laws.

WHEREAS, the County Commissioners of Queen Anne's County, Maryland are responsible for protecting the health, safety and welfare of citizens of the County;

AND WHEREAS, new residential and commercial development should consider the impact of such development on the delivery of emergency services in the County, the cost of delivering such services and the resources, equipment and personnel necessary to provide effective and timely emergency services within the County.

AND WHEREAS, in connection with the approval of new residential and commercial development, the Queen Anne's County Planning Commission should encourage developers to consider the impact of development on the provision of emergency services, the importance of volunteer fire departments to emergency protection and services and should be allowed to encourage and approve restrictive covenants which provide necessary funding for such services;

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that a new Section 18:1-205 G. be added to the Code of Public Local laws to read as follows:

§18:1-205. Contents of instruments.

...

G. Emergency Services Provisions. An instrument containing covenants may include provisions for establishing and collecting an assessment to provide a periodic emergency service fee from each dwelling unit or lot in the development payable to the local volunteer fire department providing primary service to the development.

SECTION II

BE IT FURTHER ENACTED that Section 18:1-148 D. of the Code of Public Local Laws be amended to read as follows:

§18:1-148. Application for site plan approval.

...

D. Notice to adjacent property owners and volunteer fire departments. Applications for administrative, major and minor site plan approval, including applications for any amendment or revision to an approved site plan, shall include evidence, satisfactory to the Planning Director, that the applicant has provided written notice of the submission and purpose of the application to all adjacent property owners to the mailing address contained in the state property tax records. In addition all applications for major site plan approval shall include evidence that the foregoing notice was provided to the local volunteer fire department providing primary service to the subject property and that the applicant has met with or offered to meet with and discussed, or offered to discuss, in good faith, the impact of such development on the provision of emergency services, the possible financial cost and impact thereof and the possible offset or mitigation by the developer of costs associated therewith.

SECTION III

BE IT FURTHER ENACTED that Section 18:1-160 of the Code of Public Local Laws be amended by adding a new subsection D. and renumbering existing Subsection D. to subsection E. to read as follows:

§18:1-160. Responsibility of developers.

...

D. Emergency Services. The developer is responsible for notifying the Queen Anne's County Department of Emergency Services and the volunteer fire department which will provide primary service to the development and shall meet or offer to

meet with such volunteer fire department to discuss, in good faith, the impact of such development on the provision of emergency services, the possible financial cost and impact thereof and the possible offset or mitigation by the developer of costs associated therewith.

SECTION IV

BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth (46th) day following its enactment.

INTRODUCED BY: Commissioner Ransom

CO-SPONSORED BY: Commissioners Billups, Fordonski, Gunther and Wargotz

DATE: March 11, 2008

PUBLIC HEARING HELD: June 10, 2008 @6:30 p.m.

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: June 24, 2008

DATE EFFECTIVE: August 9, 2008

FISCAL IMPACT NOTE

Legislation No: 0-08-07 **Hearing Date:** 6-10-08
Date Introduced: 3-11-08 **Note Date:** 6-10-08

Legislation Title: Provision of Emergency Services in Queen Anne's County.

Description:

The purpose of this legislation is to require consideration of the provision of emergency services in connection with development approvals in Queen Anne's County.

Analysis of Fiscal Impact:

This legislation allows the possible offset or mitigation of costs associated with new development by a developer, and also allows for an instrument containing covenants to include provisions for establishing and collecting an assessment to provide a periodic emergency service fee from each dwelling unit of lot in the development payable to the local volunteer fire department.

Queen Anne's County currently collects fire impact fees for new development, which is then distributed to volunteer fire companies based on eligible costs incurred by each company as a result of new growth. It is possible that the new fees per dwelling and/or mitigation of costs by developers proposed in this legislation, in the form of a direct payment to a volunteer fire company, may be perceived as a "replacement" or "increase" of impact fees currently in place. As such, the County may receive requests for waivers of impact fees collected under the existing law that could reduce impact fee revenue that is distributed to fire companies.

Because impact fees, and the interest earned thereon, are earmarked for volunteer fire companies, there would be no fiscal impact directly to the County, but rather to the fire companies that could possibly see reduced impact fees as a result of this legislation.