

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

Bill No. CB-33-2010

Chapter No. \_\_\_\_\_

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12 repealed and reenacted with the following amendments: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 13<sup>th</sup> 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.