

SENATE BILL 437

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Q8

2000 Regular Session
0lr1508
CF 0lr2453

By: **Cecil County Senators (By Request) and Senator Hooper**

Introduced and read first time: February 4, 2000

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Cecil County - Development Excise Tax**

3 FOR the purpose of authorizing the Board of County Commissioners of Cecil County
4 to impose, by law, a development excise tax; requiring the Board to advertise
5 and hold a public hearing before passing a local law imposing the tax or altering
6 the amount of the tax; requiring that the tax be imposed on a certain basis and
7 be paid at a certain time; limiting the amount of the tax that may be imposed;
8 requiring that the tax be deposited in a certain account which may be used only
9 for certain purposes and subject to certain procedural requirements; submitting
10 this Act to a referendum of the legally qualified voters of Cecil County; and
11 generally relating to authorization for a development excise tax in Cecil County.

12 BY adding to
13 The Public Local Laws of Cecil County
14 Section 34-16
15 Article 8 - Public Local Laws of Maryland
16 (1989 Edition and November 1999 Supplement, as amended)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article 8 - Cecil County**

20 34-16.

21 (A) (1) THE BOARD OF COUNTY COMMISSIONERS OF CECIL COUNTY MAY
22 IMPOSE, BY LAW, A DEVELOPMENT EXCISE TAX WHEN A SUBDIVISION LOT IS
23 INITIALLY SOLD OR TRANSFERRED, FOR FINANCING, IN WHOLE OR IN PART, THE
24 CAPITAL COSTS OF ADDITIONAL OR EXPANDED PUBLIC FACILITIES OR
25 IMPROVEMENTS IN THE COUNTY.

26 (2) (I) BEFORE PASSING A LOCAL LAW IMPOSING A DEVELOPMENT
27 EXCISE TAX OR ALTERING THE AMOUNT OF THE TAX, THE BOARD SHALL HOLD A
28 PUBLIC HEARING.

1 (II) NOTICE OF THE HEARING SHALL BE PUBLISHED IN AT LEAST
2 ONE NEWSPAPER OF GENERAL CIRCULATION IN CECIL COUNTY NOT LESS THAN 3 OR
3 MORE THAN 14 DAYS BEFORE THE HEARING.

4 (III) THE NOTICE SHALL STATE THE SUBJECT OF THE HEARING AND
5 THE TIME AND PLACE THAT THE HEARING WILL OCCUR.

6 (B) A DEVELOPMENT EXCISE TAX IMPOSED UNDER THIS SECTION:

7 (1) SHALL BE:

8 (I) IMPOSED ON A COUNTY-WIDE BASIS, INCLUDING WITHIN
9 MUNICIPAL CORPORATIONS IN THE COUNTY, BASED ON A RATE PER SQUARE FOOT
10 OF DEVELOPMENT; AND

11 (II) PAID AT THE TIME A BUILDING PERMIT IS ISSUED FOR THE
12 DEVELOPMENT OF PROPERTY; AND

13 (2) MAY NOT EXCEED \$3,500 PER LOT.

14 (C) THE BOARD SHALL ENTER INTO AGREEMENTS WITH MUNICIPAL
15 CORPORATIONS IN CECIL COUNTY THAT ISSUE BUILDING PERMITS FOR COLLECTION
16 OF THE DEVELOPMENT EXCISE TAX FOR DEVELOPMENT WITHIN THE MUNICIPAL
17 CORPORATIONS.

18 (D) (1) THE BOARD OF COUNTY COMMISSIONERS SHALL DEPOSIT THE
19 REVENUE FROM THE DEVELOPMENT EXCISE TAX IN A SPECIAL ACCOUNT KNOWN AS
20 THE "PUBLIC FACILITIES IMPROVEMENT FUND".

21 (2) MONEY IN THE PUBLIC FACILITIES IMPROVEMENT FUND MAY ONLY
22 BE USED, AS SPECIFICALLY AUTHORIZED BY A RESOLUTION AFTER A PUBLIC
23 SESSION OF THE BOARD, TO PAY FOR CAPITAL PROJECTS, OR FOR DEBT INCURRED
24 FOR CAPITAL PROJECTS, FOR ADDITIONAL OR EXPANDED PUBLIC FACILITIES OR
25 IMPROVEMENTS.

26 SECTION 2. AND BE IT FURTHER ENACTED, That before this Act becomes
27 effective it shall first be submitted to a referendum of the legally qualified voters of
28 Cecil County at the general election to be held in November of 2000. The cost of the
29 special election, if any, shall be paid by the County governing body. The County
30 governing body and the Board of Supervisors of Elections of Cecil County shall do
31 those things necessary and proper to provide for and hold the referendum required by
32 this section. If a majority of the votes cast on the question are "For the referred law"
33 the provisions of this Act shall become effective on the 30th day following the official
34 canvass of votes for the referendum, but if a majority of the votes cast on the question
35 are "Against the referred law" the provisions of this Act are of no effect and null and
36 void.

37 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions
38 of Section 2 of this Act and for the sole purpose of providing for the referendum
39 required by Section 2, this Act shall take effect October 1, 2000.

