

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2000

CHAPTER _____

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; defining
11 a certain term; and generally relating to authorization for a development excise
12 tax in Cecil County.

13 BY adding to
14 The Public Local Laws of Cecil County
15 Section 34-16
16 Article 8 - Public Local Laws of Maryland
17 (1989 Edition and November 1999 Supplement, as amended)

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

20 **Article 8 - Cecil County**

21 34-16.

22 (A) IN THIS SECTION, "RESIDENTIAL UNIT" INCLUDES:

- 1 (1) A HOUSE;
 2 (2) AN APARTMENT;
 3 (3) A RESIDENTIAL CONDOMINIUM;
 4 (4) A MOBILE HOME; AND
 5 (5) ANY OTHER STRUCTURE USED PRIMARILY AS A DWELLING.

6 ~~(A)~~ (B) (1) THE BOARD OF COUNTY COMMISSIONERS OF CECIL COUNTY
 7 MAY IMPOSE, BY LAW, A DEVELOPMENT EXCISE TAX ~~WHEN A SUBDIVISION LOT IS~~
 8 ~~INITIALLY SOLD OR TRANSFERRED~~, FOR FINANCING, IN WHOLE OR IN PART, THE
 9 CAPITAL COSTS OF ADDITIONAL OR EXPANDED PUBLIC FACILITIES OR
 10 IMPROVEMENTS IN THE COUNTY.

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

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

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

19 ~~(B)~~ (C) A DEVELOPMENT EXCISE TAX IMPOSED UNDER THIS SECTION:

20 (1) SHALL BE:

21 (I) IMPOSED ON A COUNTY-WIDE BASIS, INCLUDING WITHIN
 22 MUNICIPAL CORPORATIONS IN THE COUNTY, ~~BASED ON A RATE PER SQUARE FOOT~~
 23 ~~OF DEVELOPMENT~~ ON ALL NEW RESIDENTIAL UNITS; AND

24 (II) PAID AT THE TIME A BUILDING PERMIT IS ISSUED FOR ~~THE~~
 25 ~~DEVELOPMENT OF PROPERTY~~ ANY NEW RESIDENTIAL UNIT; AND

26 (2) MAY NOT EXCEED \$3,500 PER ~~LOT~~ RESIDENTIAL UNIT.

27 ~~(C)~~ (D) THE BOARD SHALL ENTER INTO AGREEMENTS WITH MUNICIPAL
 28 CORPORATIONS IN CECIL COUNTY THAT ISSUE BUILDING PERMITS FOR COLLECTION
 29 OF THE DEVELOPMENT EXCISE TAX FOR DEVELOPMENT WITHIN THE MUNICIPAL
 30 CORPORATIONS.

31 ~~(D)~~ (E) (1) THE BOARD OF COUNTY COMMISSIONERS SHALL DEPOSIT THE
 32 REVENUE FROM THE DEVELOPMENT EXCISE TAX IN A SPECIAL ACCOUNT KNOWN AS
 33 THE "PUBLIC CAPITAL FACILITIES IMPROVEMENT FUND".

34 (2) MONEY IN THE PUBLIC CAPITAL FACILITIES IMPROVEMENT FUND
 35 MAY ONLY BE USED, AS SPECIFICALLY AUTHORIZED BY A RESOLUTION AFTER A

1 PUBLIC SESSION OF THE BOARD, TO PAY FOR CAPITAL PROJECTS, OR FOR DEBT
2 INCURRED FOR CAPITAL PROJECTS, FOR ADDITIONAL OR EXPANDED PUBLIC
3 FACILITIES OR IMPROVEMENTS.

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

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