

ENROLLED

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND
LEGISLATIVE SESSION, 2013
BILL NO. 2013-04

Introduced: March 19, 2013

BY: The Council President at the request of the County Executive.

AN ACT to amend Chapter 90 of the Wicomico County Code, titled "Tax Exemptions," Section 90-1, titled "Manufacturer's tax exemption" to exempt from County property taxation manufacturing equipment under certain conditions by reducing the percentage of the assessed value of such property subject to County property tax from 100% to 0%.

PREAMBLE

Wicomico County is one of three counties in the State that taxes the value of manufacturing equipment.

The manufacturing sector is a significant employer in Wicomico County and an exemption would enable manufacturing companies to expand and modernize to remain competitive and increase employment opportunities.

The current process of authorizing exemptions from the tax by application has resulted in some qualifying companies failing to obtain the exemption due to a lack of knowledge of its existence, misunderstanding the effect of the state exemption and/or administrative oversight by missing the deadline.

In addition, state publications listing jurisdictions regulations on taxation of manufacturing equipment list Wicomico County as imposing the tax without clear reference to the availability of an exemption placing the County in a negative light for business development.

The County Executive has determined that the continued process for granting an exemption for tax on manufacturing equipment is an impediment to the economic development of Wicomico County.

SECTION 1. BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that Wicomico County Code, Chapter 90 of the Wicomico County Code, titled "Tax Exemptions," Section 90-1, titled "Manufacturer's tax exemption" is amended to read as follows:

Chapter 90. Tax Exemptions

§ 90-1. Manufacturer's tax exemption.

- A. Exemption. Recognizing that the establishment of manufacturing, fabricating and assembling industries contributes significantly to the economic well-being of the County and its citizens, the ~~County Council of Wicomico County is authorized and empowered, whenever it shall seem expedient, to grant an exemption from county property taxation for the following personal property: mechanical tools or implements, whether worked by hand, steam or other motive power; machinery; or manufacturing apparatus or engines owned and operated by any individual, firm or corporation in Wicomico County,~~ **SHALL BE EXEMPT FROM COUNTY PROPERTY TAX**, provided that said personal property shall be actually employed and used in the business of manufacturing, fabricating or assembly in the County.
- B. **TO EFFECTUATE THE EXEMPTION, PURSUANT TO THE AUTHORITY GRANTED IN §7-108 AND §7-222 OF THE TAX-PROPERTY VOLUME OF THE MARYLAND CODE, THE PERCENTAGE OF THE TOTAL ASSESSED VALUE AT WHICH SAID MANUFACTURING EQUIPMENT SHALL BE ASSESSED FOR COUNTY TAXATION PURPOSES IS REDUCED FROM 100% TO 0%.**

B. Application.

- (1) Any individual, firm or corporation requesting an exemption pursuant to this section shall file an application, under oath, with the Council Administrator of Wicomico County on or before October 1 of the initial taxable year for which the exemption is sought.
- (2) The application shall verify that:
- (a) The personal property is owned by the applicant; and
 - (b) The personal property is actually employed and used in the business of manufacturing, fabricating or assembly in the county; and
 - (c) The applicant's facility is located in the county; or
 - (d) An expansion has or will occur in the county; or
 - (e) The applicant has developed a new product or industrial process.

C. Duration. Any exemption granted a manufacturer by the Wicomico County Council pursuant to this section shall continue thereafter, from year to year, without further application by the owner or action by the Council; provided, however, that said exemption shall terminate on the first day of the taxable year in which said manufacturer shall cease its manufacturing, fabricating or assembly operations in the county.

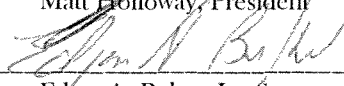
SECTION II. Be in Further Enacted that upon passage the County Executive shall submit a copy of the law to the State Department of Assessments and Taxation. Pursuant to §7-108 of the Tax-Property Article, "If the Department receives a copy of the law on or before May 1, the change shall be effective for the taxable year following the date the law is enacted."

SECTION III. Be It Further Enacted that this Bill shall be known as Bill No. 2013-04 of Wicomico County, Maryland and shall take effect sixty (60) days after its enactment, unless a proper Petition for Referendum thereof shall be filed prior to said date; in which event, the Bill shall not take effect until the expiration of thirty (30) days following the approval of this Bill by a majority of the qualified voters of the County voting in any such referendum.


Certified correct as passed and adopted by the County Council of Wicomico County, Maryland this 16th day of April, 2013.

WICOMICO COUNTY, MARYLAND


BY: Matt Holloway, President


BY: Edgar A. Baker, Jr., Secretary

I HEREBY CERTIFY that on introduction copies of the bill shall be made available for distribution to the public, press and other news media.


Edgar A. Baker, Jr., Secretary

Explanation:

BOLD INDICATES MATTER ADDED TO EXISTING LAW.

Strike out indicates material deleted from law.

CAPITAL - STRIKE OUT indicates matter stricken from Bill by Amendment.

Underlining indicates Amendments to Bill

COUNTY COUNCIL
OF
WICOMICO COUNTY, MARYLAND

BILL NO. 2013-04

INTRODUCED BY: Council at request of Executive

Legislative Day No. 06

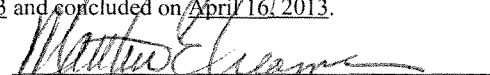
Date: March 19, 2013

Introduced, read first time, ordered posted and public hearing scheduled on: April 16, 2013

Time: 10:30 a.m.

AN ACT to amend Chapter 90 of the Wicomico County Code, titled "Tax Exemptions," Section 90-1, titled "Manufacturer's tax exemption" to exempt from County property taxation manufacturing equipment under certain conditions by reducing the percentage of the assessed value of such property subject to County property tax from 100% to 0%.

PUBLIC HEARING: Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on April 16, 2013 and concluded on April 16, 2013.


Council Administrator

CERTIFICATION

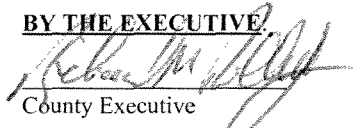
The undersigned hereby certifies that this Bill was Approved and Adopted by the County Council of Wicomico County, Maryland, on the 16th day of April, 2013.


Council Administrator

Presented to the County Executive for approval this 24th day of April, 2013 at 1:15 a.m. PM
(5 days §411)


Council Administrator

BY THE EXECUTIVE


County Executive

APPROVED
VETOED

Date: Apr. 24, 2013
(21 days §411)

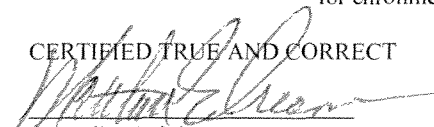
EFFECTIVE DATE:

This Bill having been approved by the County Executive and returned to the Council, becomes law on April 24th and effective on: June 23rd (60 days §311)


ENROLLMENT:

Legislative Bill No. 2013-04 is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT


Council Administrator
Date:

ENROLLED


Council President
Date: