

# Code Home Summary

1. Unlimited local debt authority
2. Excise tax authority
3. Untested General Assembly check on taxation
4. Absolute authority to change composition of Board
5. Broad powers to legislate in areas rarely requested (e.g. Fences)
6. No authority to legislate in areas regularly requested (e.g. Alcoholic Beverages)
7. Virtually impossible to petition any decision

Chapter 13. Local Debt Measures

[\(p182\)](#)

Commission counties do not have the legislative power to create debt;

For code home rule counties, a local law authorizing debt does not need to be submitted to the voters, unless petitioned to referendum.

Chapter 10. Development Impact Fees and Excise Taxes

[\(p164, 166\)](#)

Unlike a regulatory impact fee, the amount of an excise tax does not have to be closely related to the actual cost of providing public facilities to serve new development. In addition, excise tax revenues do not have to be spent to specifically benefit the properties that are taxed but may generally be spent throughout the county.

Code home rule counties are authorized as a group to impose specified impact fees and excise taxes and a number of other counties have specific authorizations from the General Assembly.

*(St. Mary's has an impact fee, it does not yet have an excise tax)*

Chapter 6. Overview of Local Government

[Local Taxing Authority \(p109\)](#)

Section 9 of Article XI-F of the constitution prohibits a code county from imposing any tax or fee unless authorized by the General Assembly. ..However, after the adoption of code home rule, a code county may only impose a new tax or fee if the General Assembly authorizes it through a public general law equally applicable to all code counties in one or more of the classes created by the General Assembly.

*(i.e. Charles County)*

Under Article XI-F, Section 8 of the constitution, the General Assembly has exclusive authority to pass, amend, or repeal a public local law for an individual code county that limits or authorizes a limit on the property tax rate that may be imposed by a code county. **However, this authority has never been exercised.**

[Local Bill Process in the General Assembly \(p98\)](#)

Notwithstanding the general restriction on the ability of the General Assembly to adopt legislation affecting individual code counties, Article XI-F, Section 8 grants the General Assembly exclusive authority to pass a local law that sets a maximum property tax rate for a particular code county or that caps the maximum amount of indebtedness that a particular code county may incur. **The General Assembly, however, has not chosen to exercise as yet its authority under this provision for any county that has adopted code home rule.**

Chapter 3 – County Government

[Structure and Election of County Officers \(p75\)](#)

Because the number of commissioners and method of election are controlled by public local law, the county commissioners may alter the composition of the board, subject to applicable restrictions of the Maryland Constitution.

2015 Summary of Local Action

6 Code County delegations requested 54 bills in these 18 areas (*where they don't have authority*):

**Broad Subject**

- Alcoholic Beverages - Local Bills (A2)
- Counties - Generally (L1)
- Counties - Local Laws (L2)
- Courts and Court Personnel - Local (D2)
- Courts and Court Personnel - Statewide (D1)
- Criminal Law - Procedure (E2)
- Criminal Law - Substantive Crimes (E1)
- Economic and Community Development (C8)
- Elections (G1)
- Environment (M3)
- Gaming (C7)
- Hunting and Fishing (M2)
- Public Safety (E4)
- State Debt (Bond Bills) (B2)
- Taxes - Income (Q3)
- Taxes - Miscellaneous - Local (Q8)
- Taxes - Property - Local (Q2)
- Utility Regulation (C5)

[Chapter 5. State and Local Relationships \(p91\)](#)

Furthermore, the authority of counties and municipalities is often limited by the decisions of the General Assembly to preempt entirely certain subject areas of statewide concern.

[State Preemption \(p101\)](#)

The State may preempt a local law in the following three ways:

- (1) express preemption;
- (2) implied preemption; and
- (3) preemption by conflict.

11 Charter County delegations requested **440 bills in 47 areas**

## MARYLAND CONSTITUTION

### [Article - XI-F - Home Rule for Code Counties](#)

§7.

Any action of a code county in the enactment, amendment, or repeal of a public local law is subject to a referendum of the voters in the county, as in this section provided. The enactment, amendment, or repeal shall be effective unless a petition of the registered voters of the county requires that it be submitted to a referendum of the voters in the county. The General Assembly shall amplify the provisions of this section by general law in any manner not inconsistent with this Article, except that in any event the number of signatures required on such a petition shall not be fewer than five percentum (5%) of the voters in a county registered for county and State elections.

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- *St. Mary's has roughly 70,000 registered voters X 5% = 3,500 signatures to petition Leonardtown*
  - *To petition Annapolis, St. Mary's would only contribute 1,100 signatures (got 1,900 in 2012)*

[Express Powers \(p75\)](#)

The grant of express powers under Title 10, Subtitle 3 applies to both charter and code counties and covers a broad range of local matters such as procurement, special taxing districts, streets, nuisances, and zoning and planning. *(Only where not preempted by state, e.g. storm water management)*

**Maryland State Code, Local Government Article**

- [§ 10-301](#) Scope of subtitle
- [§ 10-302](#) County legislative body --Compensation
- [§ 10-303](#) County officers, officials, and employees
- [§ 10-304](#) County institutions
- [§ 10-305](#) County board of appeals
- [§ 10-306](#) Election districts and precincts
- [§ 10-307](#) Recording and indexing of legal and legislative records
- [§ 10-308](#) Advertising and printing of legislative and financial records
- [§ 10-309](#) Audits; claims against county
- [§ 10-310](#) Procurement
- [§ 10-311](#) Protection of county credit
- [§ 10-312](#) County property; housing projects; franchise; required notice
- [§ 10-313](#) Taxes
- [§ 10-314](#) Special taxing districts
- [§ 10-315](#) Commercial district management authority
- [§ 10-316](#) Commercial or industrial redevelopment projects
- [§ 10-317](#) Road, waste disposal, soil erosion, and building laws
- [§ 10-318](#) Fences
- [§ 10-319](#) Highways, bridges, and streets
- [§ 10-320](#) Public drainage improvement projects
- [§ 10-321](#) Storm drainage districts
- [§ 10-322](#) Federally Assisted Watershed Projects
- [§ 10-323](#) Parks and recreation programs
- [§ 10-324](#) Zoning and planning
- [§ 10-325](#) Historic landmark zoning and preservation
- [§ 10-326](#) Conditions for acceptance of residential development
- [§ 10-327](#) County board of health
- [§ 10-328](#) Nuisances and health
- [§ 10-329](#) Animals
- [§ 10-330](#) Fish and game laws
  
- [§ 11-101](#) GENERAL POWERS
- [§ 11-201](#) CIVIL INFRACTIONS
- [§ 11-301](#) JUVENILE CURFEW
- [§ 11-401](#) WATER AND SEWERAGE SERVICES

State express  
pre-emption of

<u>Code</u>	<u>County</u>	<u>Maryland State Code</u> ARTICLE
		Agriculture
X		Alcoholic Beverages
		Business Occupations & Professions
		Business Regulation
		Commercial Law
		Corporations & Associations
		Correctional Services
X		Courts & Judicial Proceedings
X		Criminal Law
		Criminal Procedure
		Economic Development
X		Education
X		Election Law
		Environment
		Estates & Trusts
		Family Law
		Financial Institutions
		General Provisions
		Health - General
		Health Occupations
		Housing & Community Development
		Human Services
		Insurance
		Labor & Employment
		Land Use
		Local Government
		Natural Resources
		Public Safety
		Public Utilities
		Real Property
		State Finance & Procurement
		State Government
		State Personnel & Pensions
X		Tax - General
X		Tax - Property
		Transportation