

Introduced & 1st Reading: June 15, 2021
Adopted: June 15, 2021

CITY OF MOUNT RAINIER, MARYLAND
Emergency Ordinance No. 10-2021

Introduced by Mayor & City Council

Amending Chapter 2, “Assessments and Taxation and Fees”, of the Code of Ordinances of the City of Mount Rainier, to add Section 2-112, “Property Tax Credit for Arts and Entertainment Structures”, to implement the permissive tax credit set forth in Md. Code Ann., Tax-Property Article, § 9-240, “Arts and Entertainment Districts”.

WHEREAS, pursuant to § 5-202 of the Local Government Article of the Annotated Code of Maryland, the Council of the City of Mount Rainier, Maryland (the “City Council”) has the authority to pass such ordinances as it deems necessary to assure the good government of the municipality, protect and preserve the municipality’s rights, property, and privileges, preserve peace and good order, secure persons and property from danger and destruction, and protect the health, comfort, and convenience of the residents of the municipality; and

WHEREAS, pursuant to § 6-203 of the Tax-Property Article of the Annotated Code of Maryland, the City Council has the specific authority impose a property tax on those classes of property that it selects to be subject to municipal corporation property tax; and

WHEREAS, pursuant to this authority, the City Council has adopted Section 705, “Taxable Property”, of the City Charter subjecting all real and business personal property within the City to taxation for municipal purposes; and

WHEREAS, pursuant to Section 706, “Notice of Tax Levy”, of the City Charter and Section 2-103.A, “Annual Levy”, of the City Code, the City Council annually imposes property taxes in conjunction with the adoption of the City budget; and

WHEREAS, pursuant to various provisions of the Tax-Property Article of the Annotated Code of Maryland, the City Council has the authority to provide for property tax credits for certain categories of property and the City Council has done so by adoption of certain provisions of Chapter 2, “Assessments and Taxation and Fees”, of the City Code; and

UNDERLINED TEXT IN SMALL CAPS : Indicates matter to be added to the City Code

WHEREAS, Section 9-240 of the Tax-Property Article permits the City to grant a property tax credit to the owners of certain property capable of use for certain arts and entertainment purposes; and

WHEREAS, the City Council has deemed the creation and maintenance of an Arts and Entertainment District (“the District”) by Prince George’s County a benefit to the Town’s economic development and its vibrancy and attractiveness and has supported the designation of the District by Resolutions adopted in 2002 and 2011; and

WHEREAS, the Arts District designation will imminently expire if the designation is not renewed by the State upon the application of Prince George’s County; and

WEREAS, in order for Prince George’s County to obtain re-certification of the Arts and Entertainment District from the State, the government entities with taxing authority within its boundaries must certify that they will make available certain incentives for certain property and certain uses within the District; and

WHEREAS, the City Council desires that the Arts and Entertainment District designation be renewed; and

WHEREAS, the Council, by the unanimous vote of Council members present at the time of adoption, determines that there is an urgent public necessity requiring the adoption of this ordinance on an emergency basis so as to allow the waiver of the requirements of City Charter Section 12(a) that an ordinance cannot be adopted before the expiration of six (6) days from the date of introduction.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the City of Mount Rainier, Maryland that Chapter 2, “Assessments and Taxation and Fees”, shall be and hereby is amended to add Section 2-112, “Tax Credit for Certain Property in an Arts and Entertainment District”, to read as follows:

SECTION 2-112, “TAX CREDIT FOR CERTAIN PROPERTY IN AN ARTS AND ENTERTAINMENT DISTRICT”

A. IN THIS SECTION, “ARTS AND ENTERTAINMENT DISTRICT”, “ARTS AND ENTERTAINMENT ENTERPRISE”, AND “QUALIFYING RESIDING ARTIST” HAVE THE MEANINGS STATED IN MD. CODE ANN., ECON. DEV. ARTICLE, § 4-701.

B. THERE IS A PROPERTY TAX CREDIT AGAINST THE CITY’S PROPERTY TAX IMPOSED ON A MANUFACTURING, COMMERCIAL, OR INDUSTRIAL BUILDING THAT:

(1) IS LOCATED IN AN ARTS AND ENTERTAINMENT DISTRICT; AND

(2) IS WHOLLY OR PARTIALLY CONSTRUCTED OR RENOVATED TO BE CAPABLE FOR USE BY A QUALIFYING RESIDING ARTIST OR AN ARTS AND ENTERTAINMENT ENTERPRISE.

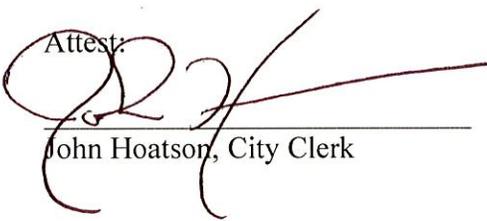
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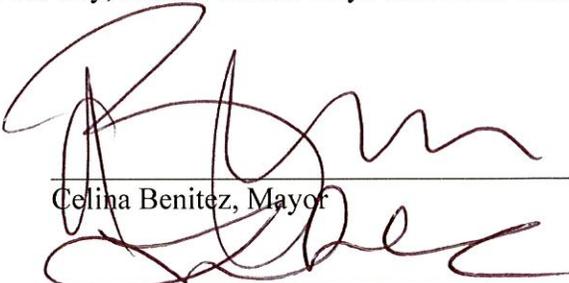
C. THE REAL PROPERTY TAX CREDIT AMOUNT SHALL BE THE FOLLOWING PERCENTAGE OF THE AMOUNT OF PROPERTY TAX IMPOSED ON THE ELIGIBLE ASSESSMENT OF THE PROPERTY ENTITLED TO THE CREDIT:

- (i) 100% IN EACH OF THE FIRST TAXABLE YEARS AFTER THE CALENDAR YEAR WHEN THE PROPERTY INITIALLY IS ENTITLED TO THE CREDIT;
- (ii) 80% IN THE SECOND TAXABLE YEAR;
- (iii) 60% IN THE THIRD TAXABLE YEAR;
- (iv) 40% IN THE FOURTH TAXABLE YEAR;
- (v) 20% IN THE FIFTH TAXABLE YEAR; AND
- (vi) 0% IN THE SIXTH THROUGH TENTH TAXABLE YEARS.

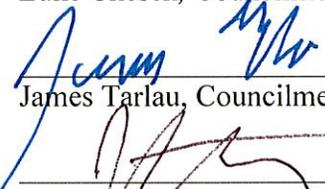
Section 2. This Ordinance is adopted by the Council of the City of Mount Rainier this 15 day of June, 2021, and shall take effect on 1st day of July, 2021, provided that a fair summary has been read at the meeting at which it is introduced and at the meeting at which it has been acted upon, that a copy shall be posted at City Hall immediately after introduction until it is acted upon and for at least two weeks after it becomes effective, and that a fair summary is published at least once in a newspaper having general circulation in the City, inclusive of the City's newsletter mailed or otherwise delivered to every City household.

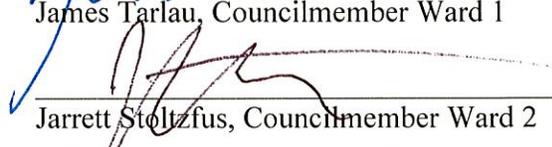
Attest:


John Hoatson, City Clerk


Celina Benitez, Mayor


Luke Chesek, Councilmember Ward 1


James Tarlau, Councilmember Ward 1


Jarrett Stoltzfus, Councilmember Ward 2


Scott Cecil, Councilmember Ward 2

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