COUNCIL OF THE TOWN OF LEONARDTOWN
Ordinance No. 127

Date Introduced on First Reading: **December 11, 2006**

Date Adopted on Second Reading: **January 8, 2007**

Date Effective: **January 29, 2007**

AN ORDINANCE concerning

DEVELOPMENT IMPACT FEES

FOR the purpose of imposing and establishing the time for payment of certain impact fees; providing for the placement of certain impact fees in certain funds and for the expenditure of monies from such funds; requiring the periodic review of the amounts of certain impact fees; and all matters generally relating to the imposition, payment and collection of impact fees in the Town of Leonardtown.

BY repealing and reenacting, with amendments
Code of the Town of Leonardtown
Chapter 62, DEVELOPMENT IMPACT FEES
Sections 62-1, 62-1.1, 62-3 and 62-4

BY adding
Code of the Town of Leonardtown
Chapter 62, DEVELOPMENT IMPACT FEES
Section 62-5

SECTION I. BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF LEONARDTOWN that Sections 62-1, 62-1.1, 62-3 and 62-4 of the Code of the Town of Leonardtown, Chapter 62, Development Impact Fees, be and they hereby are repealed and reenacted, with amendments, to read as follows:.

Chapter 62-DEVELOPMENT IMPACT FEES

§ 62-1. IMPOSITION AND Payment of TOWN IMPACT ((fee)) FEES upon issuance of occupancy permit.

A. THERE IS A WATER IMPACT FEE AND A WASTEWATER IMPACT FEE IN THE TOWN OF LEONARDTOWN. THE PURPOSES OF THESE IMPACT

FEES ARE TO:

(1) REQUIRE ALL NEW DEVELOPMENT TO PAY ITS PROPORTIONATE FAIR SHARE OF THE COSTS FOR CAPITAL FACILITIES (INCLUDING LAND ACQUISITION, SITE DEVELOPMENT, EQUIPMENT, OR FACILITIES) AND OTHER EXPENSES NECESSARY TO ACCOMMODATE IMPACTS OF NEW DEVELOPMENT ON THE TOWN'S WATER AND WASTEWATER SYSTEMS; AND

(2) PROVIDE FINANCING, IN WHOLE OR IN PART, FOR THE CAPITAL COSTS, INCLUDING DEBT SERVICE, OF ADDITIONAL OR EXPANDED IMPROVEMENTS TO THE TOWN'S WATER AND WASTEWATER SYSTEMS AND FACILITIES REASONABLY NECESSARY TO ACCOMMODATE NEW CONSTRUCTION AND DEVELOPMENT.

B. ((Effective April 29, 1990, every)) EVERY person, firm, partnership, corporation, or other legal entity which ((obtains)) IS ISSUED a building permit for ((a residential dwelling unit or other structure)) AN IMPROVEMENT THAT IS TO BE SERVED BY THE TOWN'S WATER OR WASTEWATER SYSTEM shall pay ((an) A TOWN WATER impact fee OR A SEWER IMPACT FEE, OR BOTH IF THE IMPROVEMENT IS TO BE SERVED BY BOTH SYSTEMS, ((at the time that)) CONCURRENTLY WITH AND AS A CONDITION OF THE ISSUANCE OF the ((building)) OCCUPANCY permit FOR THE IMPROVEMENT ((is obtained as)) IN THE AMOUNT OR AMOUNTS stated in the Development Impact Fee Schedule.

§ 62-1.1 Payment of COUNTY SCHOOL IMPACT fee upon issuance of occupancy permit.

((Effective August 1, 2000, every)) EVERY person, firm, partnership, corporation, or other legal entity which ((obtains)) IS ISSUED a building permit for a ((residential)) dwelling unit shall pay ((an)) A COUNTY impact fee in the amount of $3,375 for school facilities and forward ((said)) THAT fee to the St. Mary's County Commissioners, ((at the time the occupancy permit is obtained)) CONCURRENTLY WITH AND AS A CONDITION OF THE ISSUANCE OF THE OCCUPANCY PERMIT.

§ 62-3. Calculation and collection.

((The)) BASED UPON AMOUNTS OF IMPACT FEES AS REFLECTED ON THE THE IMPACT FEE SCHEDULE, THE Town ((Planner)) TREASURER shall be responsible for the calculation of all TOWN AND COUNTY impact fees prior to the issuance of a building permit, and FOR THE collection of those impact fees prior to the issuance of an occupancy permit.

§ 62-4. Adjustments to fee schedule.

THE TOWN COUNCIL SHALL ESTABLISH THE AMOUNTS OF THE WATER IMPACT FEE AND SEWER IMPACT FEE IN A MANNER CONSISTENT WITH THE PURPOSES OF THESE IMPACT FEES AS SET FORTH IN SECTION 62-1.A. THE AMOUNT OF EACH IMPACT FEE SHALL BE REFLECTED ON A DEVELOPMENT IMPACT FEE SCHEDULE MAINTAINED BY THE TOWN TREASURER. The Town Council ((may)) SHALL review the ((Development Impact Fee schedule)) AMOUNT OF EACH IMPACT FEE annually and, BY ORDINANCE, SHALL make whatever adjustments are necessary, considering new COSTS, data and technical information, the need for new development to bear a higher percentage of actual costs, THE NEED FOR NEW OR EXPANDED IMPROVEMENTS TO THE TOWN'S WATER AND WASTEWATER SYSTEMS TO ACCOMMODATE NEW CONSTRUCTION AND DEVELOPMENT, and any other relevant factors.

SECTION II. AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF LEONARDTOWN that new Section 62-5 be and hereby is added to the of the Code of the Town of Leonardtown, Chapter 62, Development Impact Fees, to follow immediately after Section 62-4 thereof and to read as follows:

Chapter 62-DEVELOPMENT IMPACT FEES

§ 62-5. SEGREGATION OF IMPACT FEES INTO SEPARATE FUNDS.

A. THE TOWN TREASURER SHALL CREATE SEPARATE FUNDS FOR WATER IMPACT FEES AND WASTEWATER IMPACT FEES AND SHALL DEPOSIT ALL REVENUES RECEIVED FROM THE PAYMENT OF WATER IMPACT FEES AND WASTEWATER IMPACT FEES INTO THE RESPECTIVE FUNDS CREATED FOR EACH FEE.

B. MONIES PAID INTO THE WATER IMPACT FEE FUND, AND INTEREST ACCRUED ON SUCH MONIES, SHALL BE USED ONLY FOR THE PURPOSE OF PAYING FOR CAPITAL COSTS, INCLUDING DEBT SERVICE, OF ADDITIONAL OR EXPANDED IMPROVEMENTS TO THE TOWN'S WATER SYSTEM AND FACILITIES, REASONABLY NECESSARY TO ACCOMMODATE NEW CONSTRUCTION AND DEVELOPMENT.

MONIES PAID INTO THE WASTEWATER IMPACT FEE FUND, AND INTEREST ACCRUED ON SUCH MONIES, SHALL BE USED ONLY FOR THE PURPOSE OF PAYING FOR CAPITAL COSTS, INCLUDING DEBT SERVICE, OF ADDITIONAL OR EXPANDED IMPROVEMENTS TO THE TOWN'S WASTEWATER SYSTEM AND FACILITIES, REASONABLY NECESSARY TO ACCOMMODATE NEW CONSTRUCTION AND DEVELOPMENT.

SECTION II: AND BE IT FURTHER ORDAINED, that this Ordinance shall become effective twenty (20) days following approval by the Mayor or passage by the affirmative vote of four-fifths of the whole Council after veto by the Mayor.

SEAL:

COMMISSIONERS OF THE TOWN OF LEONARDTOWN

_____
Walter Wise, Vice President

_____
Thomas R. Collier, Councilmember

_____
Robert C. Combs, Councilmember

_____
J. Maguire Mattingly, III, Councilmember

_____
Leslie E. Roberts, Councilmember

ATTEST:

_____
Laschelle E. Miller, Town Administrator

Date _____

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This Ordinance was presented to the Mayor for his approval or disapproval

pursuant to Section 210 of the Charter of the Town of Leonardtown this _____ day of _____, 200___.

_____
Laschelle E. Miller, Town Administrator

In accordance with Section 210 of the Charter of the City of Town of Leonardtown, I hereby [(Approve) or (Disapprove)] _____ this Ordinance this ____ day of _____, 200___.

_____
J. Harry Norris, III, Mayor

Key:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
((Double Parenthesis)) indicate matter deleted from existing law.
Underlining indicates amendments to bill.
~~Strike Out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.