



**Council of the Town of Leonardtown
Ordinance No. 211
Subject: Development Impact Fees**

Date Introduced on First Reading: September 12, 2022
Council Public Hearing: _____, 2022
Date Passed on Second Reading: _____, 2022
Date Effective: _____, 2022

AN ORDINANCE concerning

CHAPTER 62 – DEVELOPMENT IMPACT FEES OF THE CODE OF THE TOWN OF LEONARDTOWN

FOR the purposes of increasing the amount of wastewater impact fees payable upon the issuance of occupancy permits in the Town of Leonardtown and providing certain exemptions therefrom; providing that the title of this Ordinance shall be deemed a fair summary; and generally relating to development impact fees in the Town of Leonardtown.

RECITALS

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 5-205(d)(1), the Council of the Town of Leonardtown (the "Council") is authorized and empowered to establish and collect reasonable fees and charges for franchises, permits, or licenses granted by the Town of Leonardtown (the "Town") or associated with the exercise of a governmental or proprietary function exercised by the Town; and

WHEREAS, in accordance with the foregoing authority, on April 9, 1990, the Council passed Ordinance No. 61 for the purpose of establishing water and wastewater impact fees in the Town, the purposes of which are to require all new development to pay its proportionate fair share of the costs for capital facilities and other expenses necessary to accommodate impacts of new development on the Town's water and wastewater systems and 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 improvement; and

WHEREAS, pursuant to § 62-4 of the Code of the Town of Leonardtown, the Council is authorized and empowered to periodically review and revise the amounts of development impact fees; and

WHEREAS, the Council last revised the wastewater impact fees on January 29, 2007 pursuant to Ordinance No. 129; and

WHEREAS, the Council, with the assistance of the Town Administrator and the Town Treasurer, has reviewed the existing wastewater impact fees and has determined that increases thereto as set forth in this Ordinance are necessary for new development in the Town; and

WHEREAS, the Council finds that the amendments set forth herein would be in the best interest of the health, safety, and welfare of the citizens of the Town.

SECTION I. BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF LEONARDTOWN that the Town's Development Impact Fee Schedule is amended by increasing the amount of the Wastewater Impact Fee for all land use types from \$13,000 per equivalent dwelling unit ("EDU") to \$18,000 per EDU. The Town Treasurer shall prepare and maintain a revised Development Impact Fee Schedule that includes the changes to the Wastewater Impact Fees passed by this Ordinance.

SECTION II. AND BE IT FURTHER ORDAINED that, despite the provisions in Section I of this Ordinance, wastewater impact fees at the rates in effect prior to the effective date of this Ordinance shall continue to apply to any lot, land use, or approved portion of a project that received sewer allocation prior to the effective date of this Ordinance.

SECTION III. AND BE IT FURTHER ORDAINED that the recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION IV. AND BE IT FURTHER ORDAINED that, in this Ordinance, unless a section of the Code is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out and enclosed in brackets. Substantive language added after the date of introduction is in boldface, italicized type, and language deleted after the date of introduction is crossed out with a double strikethrough.

SECTION V. AND BE IT FURTHER ORDAINED that, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION VI. AND BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION VII. AND BE IT FURTHER ORDAINED that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION VIII. 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 Councilpersons after veto by the Mayor.

Attest:

Councilpersons of Leonardtown:

Laschelle E. McKay
Town Administrator

J. Maguire Mattingly, IV
Vice President

Seal:

Tyler Alt
Councilperson

Nick Colvin
Councilperson

Christy Hollander
Councilperson

Mary Maday Slade
Councilperson

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 _____, 2022.

Laschelle E. McKay, Town Administrator

In accordance with Section 210 of the Charter of the Town of Leonardtown, I hereby (Approve) or (Disapprove) _____ this Ordinance this ____ day of _____, 2022.

Daniel W. Burris, Mayor