

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

1 **AN ORDINANCE** concerning

2
3 **DEVELOPMENT IMPACT FEES**

4
5 **FOR** the purpose of imposing and establishing the time for payment of certain
6 impact fees; providing for the placement of certain impact fees in certain funds
7 and for the expenditure of monies from such funds; requiring the periodic
8 review of the amounts of certain impact fees; and all matters generally relating
9 to the imposition, payment and collection of impact fees in the Town of
10 Leonardtown.

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

16
17 **BY** adding
18 Code of the Town of Leonardtown
19 Chapter 62, DEVELOPMENT IMPACT FEES
20 Section 62-5

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26 repealed and reenacted, with amendments, to read as follows:.

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28 Chapter 62-DEVELOPMENT IMPACT FEES

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30 **§ 62-1. IMPOSITION AND Payment of TOWN IMPACT ((fee)) FEES upon**
31 **issuance of occupancy permit.**

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

35 FEES ARE TO:

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- (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.

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

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83 **§ 62-4. Adjustments to fee schedule.**

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

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

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Chapter 62-DEVELOPMENT IMPACT FEES

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104 **§ 62-5. SEGREGATION OF IMPACT FEES INTO SEPARATE FUNDS.**

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

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

119 MONIES PAID INTO THE WASTEWATER IMPACT FEE FUND, AND
 120 INTEREST ACCRUED ON SUCH MONIES, SHALL BE USED ONLY FOR
 121 THE PURPOSE OF PAYING FOR CAPITAL COSTS, INCLUDING DEBT
 122 SERVICE, OF ADDITIONAL OR EXPANDED IMPROVEMENTS TO THE
 123 TOWN'S WASTEWATER SYSTEM AND FACILITIES, REASONABLY
 124 NECESSARY TO ACCOMMODATE NEW CONSTRUCTION AND
 125 DEVELOPMENT.
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127 **SECTION II: AND BE IT FURTHER ORDAINED**, that this Ordinance shall become
 128 effective twenty (20) days following approval by the Mayor or passage by the
 129 affirmative vote of four-fifths of the whole Council after veto by the Mayor.
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131 **SEAL:** **COMMISSIONERS OF THE TOWN**
 132 **OF LEONARDTOWN**
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 134 _____
 135 **Walter Wise, Vice President**
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 137 _____
 138 **Thomas R. Collier, Councilmember**
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 141 **Robert C. Combs, Councilmember**
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 143 _____
 144 **J. Maguire Mattingly, III, Councilmember**
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 146 _____
 147 **Leslie E. Roberts, Councilmember**
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149 **ATTEST:**
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 151 _____
 152 **Laschelle E. Miller, Town Administrator**
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154 **Date** _____
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 159 This Ordinance was presented to the Mayor for his approval or disapproval

160 pursuant to Section 210 of the Charter of the Town of Leonardtown this _____ day of
161 _____, 200____.

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Laschelle E. Miller, Town Administrator

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

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J. Harry Norris, III, Mayor

178 **Key:**

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