



**Mayor and Council of the Town of Leonardtown
Ordinance No. 180
Subject: Chapter 62 – Development Impact Fees
of the Code of the Town of Leonardtown**

Date Introduced on First Reading: June 12, 2017

Date Adopted on Second Reading: July 10, 2017

Date Effective: July 31, 2017

AN ORDINANCE concerning

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

FOR the purpose of amending Chapter 62, titled “Development Impact Fees,” § 62-1.1 of the Code of the Town of Leonardtown (the “Code”), to provide that the amount of the county impact fee for school facilities shall be as set forth in § 223-4.5(C)(1) of the Code of St. Mary’s County, Maryland in effect on July 1, 2017 and as thereafter amended by the Commissioners of St. Mary’s County; 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 § 5-205(d) of the Local Government Article of the Annotated Code of Maryland, the Mayor and Council of the Town of Leonardtown (the “Mayor and Council”) are authorized and empowered to establish and collect reasonable fees and charges associated with the exercise of a governmental or proprietary function exercised by the Town of Leonardtown (the “Town”); and

WHEREAS, pursuant to Chapter 62 (Development Impact Fees), § 62-1.1 of the Code of the Town of Leonardtown (the “Town Code”), every person, firm, partnership, corporation, or other legal entity which is issued a building permit for a dwelling unit within the Town shall pay a county impact fee in the amount of \$3,375 for school facilities (the “School Impact Fee”) and forward that fee to the St. Mary’s County Commissioners (the “County Commissioners”) concurrently with and as a condition of the issuance of the occupancy permit; and

“County Commissioners”) concurrently with and as a condition of the issuance of the occupancy permit; and

WHEREAS, the amount of the School Impact Fee as set forth in § 62-1.1 of the Town Code is derived from § 223-4.5(C)(1) of the Code of St. Mary’s County, Maryland (the “County Code”); and

WHEREAS, on May 16, 2017, the County Commissioners voted to increase the School Impact Fee as set forth in § 223-4.5(C)(1) of the County Code to \$4,125 effective July 1, 2017; and

WHEREAS, the Mayor and Council find that referring to the School Impact Fee generally instead of citing the specific amount thereof eliminates the need for § 62-1.1 to be amended each time the County Commissioners change the School Impact Fee and avoids any inconsistency or confusion created by the Town Code and the County Code citing different amounts for the School Impact Fee; and

WHEREAS, the Mayor and Council, for the good and welfare of the community, deem it necessary and appropriate to amend Chapter 62 (Development Impact Fees), § 62-1.1, of the Town Code § 62-1.1, to provide that the amount of the county impact fee for school facilities shall be as set forth in § 223-4.5(C)(1) of the Code of St. Mary’s County, Maryland in effect on July 1, 2017 and as thereafter amended by the Commissioners of St. Mary’s County would be in best interest of the health, safety, and welfare of the citizens of the Town.

SECTION I. BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF LEONARDTOWN that Chapter 62 (Development Impact Fees) of the Code of the Town of Leonardtown be and it is hereby amended as follows:

§ 62-1.1 Payment of county school impact fee upon issuance of occupancy permit.

Every person, firm, partnership, corporation, or other legal entity which is issued a building permit for a dwelling unit shall pay a county impact fee [~~in the amount of \$3,375~~] for school facilities and forward that fee to the St. Mary’s County Commissioners, concurrently with and as a condition of the issuance of the occupancy permit. **The amount of the county impact fee shall be as set forth in § 223-4.5(C)(1) of the Code of St. Mary’s County, Maryland in effect on July 1, 2017 and as thereafter amended by the St. Mary’s County Commissioners.**

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

SECTION III. 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.

SECTION IV. 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 or 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 Mayor and Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase or portion hereof.

SECTION V. 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 VI. 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 VII. 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.

ORDINANCE #180


Attest:



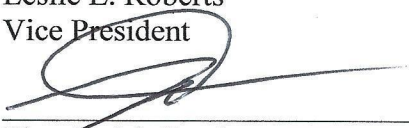
Laschelle E. McKay
Town Administrator

Seal:

COUNCIL OF THE
TOWN OF LEONARDTOWN:



Leslie E. Roberts
Vice President



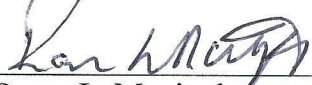
Thomas M. Combs
Council Member



Hayden P. Hammett
Council Member

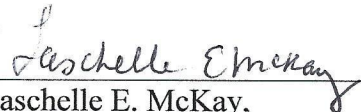


J. Maguire Mattingly, IV
Council Member



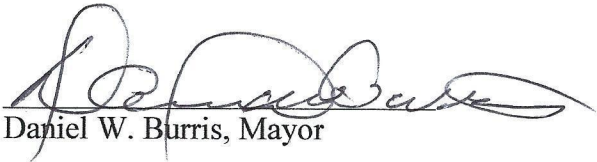
Roger L. Mattingly
Council Member

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 10th day of July, 2017.



Laschelle E. McKay,
Town Administrator

In accordance with Section 210 of the Charter of the Town of Leonardtown, I hereby (Approve) or (Disapprove) Approve this Ordinance 10th day of July, 2017.



Daniel W. Burris, Mayor