



**Council of the Town of Leonardtown
Ordinance No. 197
Subject: Forest Conservation**

Date Introduced on First Reading: May 11, 2020; Re-Introduced July 13, 2020
Council Public Hearing: _____, 2020
Date Passed on Second Reading: _____, 2020
Date Effective: _____, 2020

AN ORDINANCE concerning

CHAPTER 80 – FOREST CONSERVATION OF THE CODE OF THE TOWN OF LEONARDTOWN

FOR the purpose of amending the Town of Leonardtown’s Forest Conservation Program (the “Program”) for compliance with Chapter 602, 2019 Laws of Maryland by providing that the Program meets the requirements of Md. Code Ann., Nat. Res. § 5-1610(h-1); providing that a person subject to the Program must demonstrate that appropriate credits generated by a forest mitigation bank in St. Mary’s County or the same watershed are not available before the person may pay money to the St. Mary’s County Forest Conservation Fund; and providing that the annual report to be submitted by the Planning Office to the Department of Natural Resources shall include the number of acres for which reforestation and afforestation fees and the number of acres reforested, afforested or conserved using the fees; providing that the title of this Ordinance shall be deemed a fair summary; and generally relating to forest conservation in the Town of Leonardtown.

RECITALS

WHEREAS, pursuant to Md. Code Ann., Local Gov’t § 5-202 and § 501(1) of the Charter of the Town of Leonardtown (the “Charter”), the Council of the Town of Leonardtown (the “Council”) is authorized and empowered to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as they may deem necessary for the good government of the Town of Leonardtown (the “Town”); for the protection and preservation of the Town’s property, rights and privileges; for the preservation of peace and good order; to secure persons and property from danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents

of the City and visitors thereto and sojourners therein; and

WHEREAS, pursuant to Md. Code Ann., Nat. Res. § 5-1603(a)(1), the Council is required to develop a local forest conservation program, consistent with the intent, requirements and standards of Title 5, Subtitle 16 of the Natural Resources Article of the Annotated Code of Maryland, which is codified at Chapter 80 of the Code of the Town of Leonardtown (the “Town Code”); and

WHEREAS, pursuant to Chapter 602, 2019 Laws of Maryland, the Council is required to amend Chapter 80 of the Town Code for the purposes of providing that that the Program meets the requirements of Md. Code Ann., Nat. Res. § 5-1610(h-1); providing that a person subject to the Program must demonstrate that appropriate credits generated by a forest mitigation bank in St. Mary’s County or the same watershed are not available before the person may pay money to the St. Mary’s County Forest Conservation Fund; and providing that the annual report to be submitted by the Planning Office to the Department of Natural Resources shall include the number of acres for which reforestation and afforestation fees and the number of acres reforested, afforested or conserved using the fees; and

WHEREAS, the Council is desirous of amending Chapter 80 of the Town Code for the purposes of providing that that the Program meets the requirements of Md. Code Ann., Nat. Res. § 5-1610(h-1); providing that a person subject to the Program must demonstrate that appropriate credits generated by a forest mitigation bank in St. Mary’s County or the same watershed are not available before the person may pay money to the St. Mary’s County Forest Conservation Fund; and providing that the annual report to be submitted by the Planning Office to the Department of Natural Resources shall include the number of acres for which reforestation and afforestation fees and the number of acres reforested, afforested or conserved using the fees; 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 Chapter 80 – Forest Conservation of the Code of the Town of Leonardtown be and it is hereby amended as follows:

§ 80-14 Payment to Forest Conservation Fund in lieu of reforestation.

- A. There is established a Forest Conservation Fund in the St. Mary’s County Forest Conservation Program **that meets the requirements of the Natural Resources § 5-1610(h-1), Annotated Code of Maryland.**
- B. If a person subject to this chapter demonstrates to the satisfaction of the Planning Office that requirements for reforestation or afforestation on-site or off-site cannot be reasonably accomplished, **and appropriate credits generated by a forest mitigation bank in St. Mary’s County or the same watershed are not available,** the person shall contribute money into the St. Mary’s County Forest Conservation Fund:

- (1) For a project inside a priority funding area, as defined in the Natural Resources Article, § 5-1610, Annotated Code of Maryland, at a rate of \$30.5 per square foot of the area of required planting with the amount adjusted by the Town based on the previous year's inflation rate; and
- (2) For a project outside a priority funding area, at a rate of 36.6 per square foot of the area of required planting.

C. UNCHANGED

D. UNCHANGED

§ 80-21 Annual Report.

On or before March 1 of each year, the Planning Office shall submit to the Department of Natural Resources a report on:

A. UNCHANGED

B. UNCHANGED

C. The amount of reforestation and afforestation fees and noncompliance penalties collected and expended, **the number of acres for which the fees were collected and the number of acres reforested, afforested or conserved using the fees.**

D. UNCHANGED

E. UNCHANGED

F. UNCHANGED

G. UNCHANGED

H. UNCHANGED

I. UNCHANGED

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 Town 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 with a single strikethrough. With respect to the substantive provisions of this Ordinance set forth in Section 1, language added after the date of introduction is in bold, italicized font and language deleted after the date of introduction is crossed out with a double strikethrough.

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 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 Councilpersons after veto by the Mayor.

Attest:

Councilpersons of Leonardtown:

Laschelle E. McKay
Town Administrator

J. Maguire Mattingly, IV
Vice President

Tyler Alt
Councilperson

Seal:

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 _____, 2020.

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 _____, 2020.

Daniel W. Burris, Mayor