



**Council of the Town of Leonardtown
Ordinance No. 217
Subject: Development Impact Fees**

Date Introduced on First Reading: June 12, 2023
Council Public Hearing: July 10, 2023
Date Passed on Second Reading: July 10, 2023
Date Effective: July 10, 2023

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,” of the Code of the Town of Leonardtown (the “Code”), to delete § 62-1.1 regarding a county impact fee for school facilities; 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 Council of the Town of Leonardtown (the “Council”) is 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 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

WHEREAS, the School Impact Fee is derived from § 223-4.5(C)(1) of the Code of St. Mary’s County, Maryland (the “County Code”); and

WHEREAS, on May 23, 2023, the County Commissioners passed Ordinance No. 2023-09 repealing §§ 223-4 through 223-4.6 of the County Code effective July 1, 2023; and

WHEREAS, the Mayor and Council are desirous of deleting § 62-1.1 of the Town Code, as the authority for the School Impact Fee set forth therein will be of no further force and effect on July 1, 2023; 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 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 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 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 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 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 immediately upon passage.

Attest:



Laschelle E. McKay
Town Administrator

Councilpersons of Leonardtown:




J. Maguire Mattingly, IV
Vice President



Nick Colvin
Councilperson

Seal:



Heather Earhart
Councilperson

absent

Christy Hollander
Councilperson



Mary 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 10th day of July, 2023.


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 this 10th day of July, 2023.


Daniel W. Burris, Mayor