

COMMISSIONERS OF LEONARDTOWN
AN ORDINANCE ESTABLISHING IMPACT FEES

WHEREAS, new development and growth in Leonardtown can enhance and help maintain the quality of life in Leonardtown if governed by a balanced growth management plan; and,

WHEREAS, effective growth management requires that adequate public facilities be provided to serve growth coincident with the impact of that growth; and,

WHEREAS, new growth in Leonardtown will create a need for increased capacity of the public schools, water, waste water, recreation and transportation facilities; and,

WHEREAS, the Town of Leonardtown has determined that while new development is necessary and desirable, new development should, nevertheless, assume a fair share of the cost of providing adequate capital for new facilities; and,

WHEREAS, the Town of Leonardtown engaged the firm of KPMG Peat Marwick to determine the appropriate level of impact fee to recover growth-related infrastructure costs; and the study report by KPMG Peat Marwick demonstrated the maximum impact fee that can be charged for growth-related capital projects; and,

WHEREAS, the Town of Leonardtown has entered into an agreement with the St. Mary's County Commissioners to collect the county imposed impact fee in the amount of One Thousand, five-hundred dollars (\$1,500.00) for school facilities and forward said fee to the St. Mary's County Commissioners; and,

WHEREAS, Maryland Code Annotated, Article 23A, Section 2(b)(33)(ii) empowers municipal corporations "to establish and collect reasonable fees and charges. . . associated with the exercise of any governmental or proprietary function authorized by law to be exercised by a municipal corporation".

NOW, THEREFORE, BE IT ORDAINED, by the COMMISSIONERS of LEONARDTOWN, that the imposition of impact fees be enacted as follows:

1. Effective April 29 , 1990, every person, firm, partnership, corporation, or other legal entity which obtains a building permit for a residential dwelling unit or other structure shall pay an impact fee at the time the building permit is obtained as stated in the Development Impact Fee Schedule.

2. Effective April 29 , 1990, every person, firm, partnership, corporation, or other legal entity which subjects an existing use to a change of use or improvement that places an increased demand on any of the capital facilities identified in this resolution shall pay a fee based on the net increase in demand attributable to the change of use or improvement. The net increase shall be calculated by determining a gross fee based on the new use or improvement and subtracting from the gross fee the amount of a fee attributable to the previously existing use or improvement. A replacement of an existing dwelling or other structure is not subject to a development impact fee unless there is a demonstrable net increase in impact or capital facilities.

3. The Town Administrator shall be responsible for the calculation and collection of all impact fees prior to the issuance of a building permit.

4. The Town Council may review the Development Impact Fee Schedule annually and make whatever adjustments are necessary considering new data and technical information, the need for new development to bear a higher percentage of actual costs, and any other relevant factors.

5. If any word, phrase, clause, sentence, paragraph, or section of this Ordinance, or the application of such to any person or circumstance, is declared invalid or unconstitutional by a court of competent jurisdiction, the invalidity or unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted without the incorporation into this Ordinance of the invalid or unconstitutional word, phrase, clause, sentence, paragraph, or section, and to that end all provisions of this Ordinance are determined to be severable.

6. This Ordinance shall take effect twenty (20) calendar days after its passage.

4-9-90
Date

J. Maguire Mattingly, Jr.
J. Maguire Mattingly, Jr., Mayor

Edward H. Long, Vice-President

ATTEST:

Daniel W. Muchow, Councilman

Suellen J. Wright
Suellen J. Wright, Secretary

Ruth W. Proffitt
Ruth W. Proffitt, Councilwoman

Stephen L. Raley
Stephen L. Raley, Councilman

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

Wayne L. Vincent, Sr.
Wayne L. Vincent, Sr., Councilman

David F. Jenny
David F. Jenny, Town Attorney

DEVELOPMENT IMPACT FEE SCHEDULE

LAND USE TYPE PER UNIT	SCHOOL FEE	WATER FEE	SEWER FEE	PARK FEE	TRANSPORTATION FEE	TOTAL FEE
Residential (Single and Multi-Family)	\$1,500* per Unit	\$960 per EDU	\$810 per EDU	\$0	\$0	\$3,270
Hotel/Motel	\$0	\$960 per EDU	\$810 per EDU	\$0	\$0	\$1,770
Amusement, Recreation, Place of Assembly	\$0	\$960 per EDU	\$810 per EDU	\$0	\$0	\$1,770
Industrial and Warehouse	\$0	\$960 per EDU	\$810 per EDU	\$0	\$0	\$1,770
Hospital, Nursing Home	\$0	\$960 per EDU	\$810 per EDU	\$0	\$0	\$1,770
Office	\$0	\$960 per EDU	\$810 per EDU	\$0	\$0	\$1,770
Marina	\$0	\$960 per EDU	\$810 per EDU	\$0	\$0	\$1,770
Mercantile	\$0	\$960 per EDU	\$810 per EDU	\$0	\$0	\$1,770

*\$1,500 per dwelling unit is to be collected by the Town of Leonardtown but paid to St. Mary's County

APPROVED FEE SCHEDULE EFFECTIVE FEBRUARY 11, 1991


J. Maguire Mattingly, Jr., Mayor

ORIGINAL

DEVELOPMENT IMPACT FEE SCHEDULE

LAND USE TYPE PER UNIT	SCHOOL FEE	WATER FEE	SEWER FEE	PARK FEE	TRANSPORTATION FEE	TOTAL FEE
Residential (Single and Multi-Family)	\$1,500* per Unit	\$960 per EDU	\$810 per EDU	\$1,560	\$410	\$5,240
Hotel/Motel	\$0	\$960 per EDU	\$810 per EDU	\$0	\$0	\$1,770
Amusement, Recreation, Place of Assembly	\$0	\$960 per EDU	\$810 per EDU	\$0	\$0	\$1,770
Industrial and Warehouse	\$0	\$960 per EDU	\$810 per EDU	\$0	\$0	\$1,770
Hospital, Nursing Home	\$0	\$960 per EDU	\$810 per EDU	\$0	\$0	\$1,770
Office	\$0	\$960 per EDU	\$810 per EDU	\$0	\$0	\$1,770
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