

Introduced: 1/10/22
Public Hearing: N/A
Adopted: _____
Effective: _____

THE TOWN OF MOUNT AIRY, MARYLAND

ORDINANCE NO. 2022-2

**AN ORDINANCE TO AMEND PART II
OF THE CODE OF THE TOWN OF MOUNT AIRY
ENTITLED “GENERAL LEGISLATION,”
CHAPTER 1 ENTITLED “GENERAL PROVISIONS”,
ARTICLE IV ENTITLED “FEES,” SECTION 1-25
ENTITLED “DEVELOPMENT FEES” FOR THE PURPOSE
OF AMENDING CERTAIN DEVELOPMENT FEES
CHARGED BY THE TOWN TO ACCOUNT
FOR INCREASED COSTS TO THE TOWN**

WHEREAS, pursuant to the Local Government Article of the Maryland Code, Section 5-205(d)(1)(i), a municipality is empowered to “establish and collect reasonable fees and charges . . . for franchises, licenses, or permits granted by the municipality; ; or . . . associated with the exercise of a governmental or proprietary function exercised by a municipality[]”; and

WHEREAS, the Town Council has determined that it is in the best interests of the Town of Mount Airy and its residents to amend the development fee requirements within the corporate limits of the Town; and

WHEREAS, the Town Council has determined that it is necessary to make adjustments to the fees to address inflation in regard to the cost of the materials and services that have increased since the establishment of the current fees in 2007; and

WHEREAS, therefore, the development fees to be charged pursuant to this Ordinance shall be the same or reasonably approximate the costs to the Town of new development in 2022 and will have a rational nexus to any particular new development; and

WHEREAS, the addition of the Mount Airy Police Department, and the Town’s Adequate Public Facilities Ordinance (“APFO”), which defines police protection to be “adequate” so long as the ratio of police personnel to population will not exceed 1,000 people for 1.1 officers (Town Code, Section 25-5F), a ratio that will be exceeded with the approval of any development of any size, warrants the addition of enabling legislation in Chapter 37 (Ordinance 2022-3 introduced and enacted on the same dates as this Ordinance) and the addition of an impact fee in Chapter 1 below; and

WHEREAS, the development fee for police protection established in this ordinance is proportionate to the cost to the Town of employing an additional police officer upon the approval of future development(s) that cumulatively would add enough new residents to the Town to require the additional police officer to maintain adequacy under the Town’s APFO, and is

therefore rationally related to the approval and construction of any such particular new development.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF MOUNT AIRY:

Section 1. That Chapter 1 of the code of the Town of Mount Airy be and is hereby amended to repeal and reenact with amendments Part II, Section 1-25 of the Town Code as follows:

§ 1-25. Development fees.

The following assessments and fees shall be payable to the Town for development of real property:

- A. Capital improvement assessments as authorized in § 48-8 of the Code:
 - (1) Residential (new): ~~\$2,000~~ \$2,200 per unit.
 - (2) Commercial/Industrial (new): ~~\$2,500~~ \$2,700 or ~~\$0.35~~ \$0.38 per square foot, whichever is greater.
 - (3) Conversion of existing building to commercial or industrial use: ~~\$0.25~~ \$0.28 per square foot.

- B. Inspection, testing and review fees as authorized in § 47-9 of the Code:
 - (1) Final site plan inspection (prior to issuance of use and occupancy permit): residential, \$100; commercial/industrial, \$100.
 - (2) Sidewalks, curbs and gutters and driveways (inspection on each as being constructed): residential, \$15 each; commercial/industrial, \$15 each.
 - (3) Water and sewer main installation and testing: residential, \$50; commercial/industrial, \$50.
 - (4) Review of all plans by Town Engineer: residential, ~~\$30~~ \$50 per hour; commercial/industrial, ~~\$30~~ \$50 per hour.

- C. Inspection and acceptance fees as authorized in § 98-28A of the Code. The costs of inspection shall be borne by the developer and shall be part of the public works agreement payable at the rate of 8% of the estimated cost of the improvements.
- D. Sewer hookup fees as authorized by § 91-32 of the Code. The connection charge shall be ~~\$1,700~~ \$1,900, plus the sum of ~~\$2,500~~ \$2,700 to be allocated to sewer expansion and replacement funds for a total of ~~\$4,200~~ \$4,600.
- E. Water connection charges as authorized by § 109-20 of the Code. The connection charge shall be ~~\$1,700~~ \$1,900 per equivalent dwelling unit.
- F. Well exploration and development fee as authorized by § 109-25.1 of the Code. The well exploration and development fee shall be ~~\$1,500~~ \$1,700 per equivalent dwelling unit.
- G. Water benefit charge as authorized by § 109-26 of the Code. The water development charge shall be ~~\$3,000~~ \$3,200 per connection, and the additional water charge for the Mount Airy Volunteer Fire Company shall be ~~\$1,500~~ \$1,700.
- H. Additional charge for improvements, repairs and acquisitions as authorized by § 109-26.1 of the Code. The additional water charge for construction, reconstruction, improvements and repairs of streets and roads shall be ~~\$2,000~~ \$2,200.
- I. Additional charge for capital improvements as authorized by § 109-26.2 of the Code. The additional water charge for construction, reconstruction, improvements and repairs of capital projects shall be ~~\$3,000~~ \$3,200.
- J. Additional charge for park improvements as authorized by § 109-26.3 of the Code. The additional water charge for construction, reconstruction, improvements and repairs of parks shall be ~~\$1,500~~ \$1,700.
- K. Additional Public Safety Benefit Charge as authorized by Section 37-6 of the Town Code. The additional charge for public safety by the Mount Airy Police Department shall be \$1,700.

BE IT ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID, that this Ordinance shall take effect on the _____ day of _____, 2022.

Introduced this 10th day of January, 2022.

Enacted this _____ day of _____, 2022 by a vote of _____ in favor and _____ opposed.

ATTEST:

Pamela Reed, Secretary

Jason Poirier
President of the Town Council

Approved this _____ day of _____, 2022.

ATTEST:

Pamela Reed, Secretary

Larry G. Hushour, Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.

This __ day of _____, 2022.

Thomas V. McCarron, Town Attorney