

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

THE TOWN OF MOUNT AIRY, MARYLAND

ORDINANCE NO. 2022-3

**AN ORDINANCE TO AMEND PART II
OF THE CODE OF THE TOWN OF MOUNT AIRY
ENTITLED “GENERAL LEGISLATION”,
CHAPTER 37, ENTITLED “TOWN POLICE,”
BY ENACTING NEW SECTION 37-6 TO BE
ENTITLED “PUBLIC SAFETY BENEFIT CHARGE”**

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 Town Police Chapter (Chapter 37) to include the means to address a public safety development fee requirement within the corporate limits of the Town; 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, and in Section 1-25K (Ordinance 2022-2 introduced and enacted on the same dates as 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 Part II, Chapter 37 of the Code of the Town of Mount Airy is hereby amended to enact new Section 37-6 as follows:

§ 37-6. Public Safety Benefit Charge.

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

(1) A public safety impact fee in an amount set forth in Section 1-25 of the Town Code is hereby imposed by the Town of Mount Airy, such charge to be in addition to impact fees provided elsewhere in the Code, and to be dedicated to the development, maintenance, equipment, staffing, capital improvements and expansion of the public safety of the Town of Mount Airy, such charge to be payable at the time that application is made for site plan approval.

(2) The additional public safety charge is hereby imposed, and the charges therefor shall be disbursed to the Mount Airy Policy Department as part of the annual budget process, or such other interval as may be determined by the Mayor of the Town of Mount Airy, in order to address increased demands imposed upon the Department by virtue of continued growth within the Town of Mount Airy.

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