

COUNTY ORDINANCE NO. 20-03

A BILL ENTITLED

AN ACT CONCERNING the timing of development impact fee collection and assignment of an administrative fee for the processing of deferred impact fee payments in Queen Anne's County.

FOR THE PURPOSE of clarifying specific standards in the unincorporated areas of Queen Anne's County for the imposition and enforcement of development impact fees in Chapter 18:3-7 of the Code of Public Local Laws of Queen Anne's County, Maryland.

BY AMENDING Section 18:3-7 of the Code of Public Local Laws of Queen Anne's County, Maryland.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18:3-7 of the Code of Public Local Laws be and is hereby AMENDED to read as follows:

§ 18:3-7. Imposition and enforcement of development impact fees.

A. Unincorporated County.

(1) A building permit or zoning certificate shall not be issued by the County for a new development until either:

- a. The development impact fees required under this Chapter 18:3 have been calculated and paid; or
- b. The applicant for a building permit or zoning certificate has executed a promissory note and a Notice of Lien filed in the Land Records of Queen Anne's County obligating the applicant to pay required impact fees ~~upon the earlier of the following~~ as follows: 50% of the impact fee must be paid at time of building permit submittal; 25% paid at time of framing inspection (or third inspection); and 25% paid prior to time of final inspection.

[1] ~~Within 18 months of the issuance of the building~~

~~permit or zoning certificate; or~~
~~[2] Upon issuance of the certificate of occupancy.~~
The Applicant shall pay a 3% administrative fee at the time of application.

(2) In no event shall a certificate of occupancy be issued unless the development impact fees required under this Chapter 18:3 have been paid. The amount of the development impact fee due is the amount of the fee in effect on the date of application for the building permit or zoning certificate.

B. Municipal corporations. Development impact fees on new development within municipal corporations shall be collected by the County prior to issuance of a building permit or zoning certificate as required by this Chapter 18:3. No municipal corporation shall issue a building permit or zoning certificate until the applicant demonstrates that all impact fees required by this Chapter 18:3 have been paid to the County.

C. Lien. In the event new development is undertaken without the payment of all applicable development impact fees, the unpaid development impact fees shall:

- (1) Be a lien against the site of development and a Notice of Lien may be filed in the Land Records of Queen Anne's County.
- (2) Be levied, collected, and enforced in the same manner as real property taxes imposed by the County; and
- (3) Have the same priority and bear the same interest and penalties as real property taxes.

D. Actions to recover. In the event a development impact fee is not paid as required by this Chapter 18:3, the County Attorney may institute an action to recover the fee and enjoin the use of the property until the fee is paid. The person who fails so to pay shall be responsible for the costs of such suit, including reasonable attorney's fees.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall take effect on the forty-sixth (46th) day following its adoption.

INTRODUCED BY: Commissioner Jack Wilson

DATE: March 10, 2020

PUBLIC HEARING HELD: June 23, 2020 @ 6 pm

VOTE: Yea 4 Nay 0 (Commissioner Moran – absent from meeting)

DATE OF ADOPTION: September 25, 2020

EFFECTIVE DATE: October 10, 2020