

ORDINANCE NO. 1154

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND AMENDING § 1-16 OF THE CODE OF THE CITY OF CAMBRIDGE, MARYLAND TO CLARIFY AND RESTATE THE AMOUNTS OF IMPACT FEES TO BE CHARGED BY THE CITY OF CAMBRIDGE; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO IMPACT FEES IN THE CITY OF CAMBRIDGE.

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 5-202 and § 3-27(1) of the Charter of the City of Cambridge (the "Charter"), the Commissioners of Cambridge are authorized and empowered to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as they may deem necessary for the good government of the City of Cambridge (the "City"); for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order; to secure persons and property from danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the City and visitors thereto and sojourners therein; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 5-205(d)(1), the Commissioners of Cambridge are authorized and empowered to establish and collect reasonable fees and charges for franchises, permits, or licenses granted by the City or associated with the exercise of a governmental or proprietary function exercised by the City; and

WHEREAS, on July 13, 2003, the Commissioners of Cambridge passed Ordinance No. 910 for the purpose of authorizing the imposition and collection of impact fees for all new construction within the City and all new units connected to the City's water and sewer systems and codifying § 1-16 of the Code of the City of Cambridge (the "City Code") regarding the same and adopted Resolution No. 03-008 setting the specific amounts of impact fees to be imposed and collected by the City; and

WHEREAS, the creation and implementation of the impact fees in 2003 were the result of an extensive analysis of the City's infrastructure and costs related thereto attributable to growth, as prepared by the Municipal & Financial Services Group and set forth in the "Recovery of Capital Costs of Growth-Related Infrastructure, Final Report" dated June 26, 2003 (the "Final Report"); and

WHEREAS, the Final Report recommended that the impact fees be increased each year by a nominal amount equal to the City's average cost of debt; and

WHEREAS, in October 2004, the Commissioners of Cambridge adopted Resolution No. 04-010, which did not change the amount of the impact fees but specified the allocation of impact fees imposed within the corporate limits of the City; and

WHEREAS, on January 11, 2010, the Commissioners of Cambridge adopted Resolution No. 10-003 for the purpose of increasing the amount of impact fees to be imposed and collected by the City, which increase was based upon the City's average cost of debt between 2004 and 2009; and

WHEREAS, the impact fee increases as set forth in Resolution No. 10-003 were implemented in two phases, with the first phase taking effect on January 1, 2011 and the second phase taking effect on July 1, 2011; and

WHEREAS, the Commissioners of Cambridge are desirous of amending § 1-16 of the City Code for consistency with Resolution No. 10-003; and

WHEREAS, the Commissioners of Cambridge find that the amendments set forth herein are necessary to promote and protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of Cambridge, that:

SECTION 1. Chapter 1 (General), § 1-16 of the Code of the City of Cambridge, Maryland is hereby amended as follows:

Sec. 18-1. – Impact fees.

~~The city hereby adopts~~ **There is** an impact fee of ~~\$4,500.00~~ **\$5,640.00** per residential living unit, or equivalent dwelling unit (EDU) **for those lots which are located within the corporate boundaries of the city and that have water and/or sewer service available to such lot,** of which ~~an amount not to exceed \$1,500.00~~ **\$860.00** shall be designated for the water system, and ~~an amount not to exceed \$2,800.00~~ **\$1,850.00** shall be designated for the sewer system, ~~with the balance thereof being \$1,850.00 shall be designated for all other infrastructure costs and facilities, including streets, roads, parks, recreational facilities and public safety facilities~~ **public safety improvements, facilities and equipment, \$980.00 shall be designated for streets and roads and \$225.00 shall be designated for parks and recreation facilities,** for those lots which are located within the corporate boundaries of the city and that have water and/or sewer service available to such lot.

The city hereby adopts an impact fee of ~~\$1,500.00~~ **\$1,850.00** per EDU for the water system, and ~~\$2,800.00~~ **\$3,450.00** per EDU for the sewer system for those new water and/or sewer customers located outside the city's boundaries, with such revenues used solely for capital costs of infrastructure related to the water system or sewer systems respectively.

The said impact fees shall be applicable for all new construction and all new units which are connected to the city's water and/or sewer systems, and shall be paid with the application for a building permit for properties located within the city's limits, or upon issuance of a use and occupancy permit, or prior to the connection of water and/or sewer lines for properties outside city limits.

The said impact fees shall be paid for any and all units which have not completed the connections to the city's water and/or sewer systems as of the effective date of the resolution from which this section is originally derived or any subsequent resolutions amending such fees.

SECTION 2. The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 3. In this Ordinance, unless a section of the City 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 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or 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 Commissioners of Cambridge that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 5. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. 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.

AND BE IT FURTHER enacted and ordained that this Ordinance shall become effective immediately upon passage.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

Patrick C. Comiskey, City Manager

By: _____
Victoria Jackson-Stanley, Mayor

Introduced the 10th day of June, 2019

Passed the 8th day of July, 2019

Effective the 8th day of July, 2019