

CHARTER AMENDMENT RESOLUTION NO. 2017-7

A RESOLUTION TO AMEND THE CHARTER OF THE CITY OF SALISBURY, MARYLAND BY DELETING THE REFERENCE TO THE DEPARTMENT OF PUBLIC WORKS AND REPLACING IT WITH THE DEPARTMENT OF WATER WORKS IN ARTICLE XII – WATER, SEWERS AND GARBAGE: § SC12-1, § SC12-2, § SC12-3, § SC12-4, § SC12-7, AND § SC12-10.

WHEREAS, the Department of Public Works is being divided into three separate departments, the Department of Infrastructure and Development, the Department of Water Works, and the Department of Field Operations as part of the reorganization structure for the City of Salisbury; and

WHEREAS, Article XII of the current Salisbury City Charter contains the Department of Public Works that will be eliminated under the reorganization and replaced with the Department of Infrastructure and Development; and

WHEREAS, Article XII of the Charter controls the City's power to plan, construct and maintain the water system and sewage system for the City; and

WHEREAS, the Salisbury City Council has concluded that it is in the best interest of the city to amend the City Charter to accomplish the reorganization plan, which will not result in increased costs under the City's current budget and will allow the City to operate in a more efficient manner.

NOW, THEREFORE, BE IT RESOLVED by the Salisbury City Council, by virtue of the authority granted in Article XI-E of the Constitution of Maryland, Local Government Article § 4-301 et seq. of the Annotated Code of Maryland and § SC21-1 and § SC21-2 of the Salisbury City Code, that § SC12-1, § SC12-2, § SC12-3, § SC12-4, § SC12-7, and § SC12-11 of the Salisbury City Charter is amended as follows:

Article XII – Water~~[[,]]~~ and Sewers ~~[[and Garbage]]~~

§ SC12-1 – Powers.

The City of Salisbury shall have the power:

- A. To operate the water system and the waterworks of the city.
- B. To construct and operate a sanitary sewerage system, a sewage treatment plant and stormwater sewers.
- ~~[[C. To construct and operate a garbage incinerator plant.]]~~
- ~~[[D]]~~C. To construct, maintain, reconstruct, enlarge, alter, repair, improve or dispose of all parts, installations and structures of the above systems and plants.
- ~~[[E.]]~~D. To have surveys, plans, specifications and estimates made for any of the above plants or systems or parts thereof or the extension thereof.
- ~~[[F.]]~~E. To do such things as may be necessary for the efficient operation and maintenance of the above plants and systems.

§ SC12-2. – Department of **[[Public]]** *Water Works*.

The construction, operation, maintenance and repair of the city's water supply system, water plant, sanitary sewerage system, sewage treatment plant, *and* stormwater sewers **[[and garbage incinerator plant]]** and all other matters pertaining thereto as provided in this Charter shall be under the direction and supervision of the Department of **[[Public]]** *Water Works*.

§ SC12-3. – Placing structures in public ways.

Any public service corporation, company or individual, before beginning any construction or placing or changing the location of any main, conduit, pipe or other structure in the public ways of the city, shall submit plans to the Director of **[[Public]]** *Water Works* and obtain his written approval. Any public service corporation, company or individual violating the provisions of this section shall be guilty of a misdemeanor. If any unauthorized main, conduit, pipe or other structure interferes with the operation of the water, sewerage or stormwater systems, the Department of **[[Public]]** *Water Works* may order it removed.

§ SC12-4. – Obstructions.

All individuals, firms or corporations having mains, pipes, conduits or other structures in, on or over any public way which impede the establishment, construction or operation of any sewer or water main shall, upon reasonable notice, remove or adjust the obstructions to the satisfaction of the Director of **[[Public]]** *Water Works*. If necessary to carry out this section, the city may use its condemnation powers provided in § SC15-1 to remove the obstructions.

§ SC12-7. – Connections.

The city of Salisbury shall provide a connection, with water and sanitary sewer mains for all property located within the city and abutting on any public way in which a sanitary sewer or water main is laid. The city shall determine an appropriate fee or assessment for connection to the water and sanitary sewer main. When any water main or sanitary sewer is declared ready for operation by the Department of **[[Public]]** *Water Works*, all abutting property owners after reasonable notice shall connect all fixtures with the water or sewer main. The Director of **[[Public]]** *Water Works* may require that, if existing fixtures are unsatisfactory, new ones be installed and may require that all septic tanks, sink drains and privies be abandoned and left in such a way as not to injure public health. All wells found to be polluted or a menace to health by the Director of **[[Public]]** *Water Works* shall be abandoned and closed. Any violation of the provisions of this section shall be a misdemeanor.

§ SC12-10. – Construction of private systems.

Within such parts of the city and within such areas beyond the city limits as have been supplied with water or sewerage systems by the city, no water supply, sewerage or stormwater drainage or any part or appurtenances thereof, and no water mains, sewers or drains or connections therewith, shall be constructed by any person or persons, firm, corporation,

institution or community, whether upon private premises or otherwise, without the written consent of and under rules prescribed by the Department of **[[Public]]** Water Works. Any violation of the provisions of this section shall be a misdemeanor.

EXPLANATION:

* *ITALICIZED PRINT INDICATES MATERIAL ADDED TO EXISTING LAW.*
Deleted material from the existing Charter is indicated by bold double bracketed **[[]]** language.

AND IT BE FURTHER RESOLVED THAT in accordance with Maryland Annotated Code, Local Government Article, Subsection 4-304, the Mayor and/or the City Clerk, who are authorized to act as outlined below, shall:


- a. Post a complete and exact copy of this Charter Amendment at the City Government Building, for at least forty (40) days after the passage of this Resolution; and
- b. Advertise a fair summary of this Resolution, which is deemed by the City Council to be the title of this Resolution, once per week for four (4) weeks in a newspaper of general circulation within the City of Salisbury beginning immediately after the passage of this Resolution.

AND, BE IT FURTHER RESOLVED by the Salisbury City Council that the title of this Resolution shall be deemed a fair summary of the amendments provided for herein for publication and all other purposes;


AND, BE IT FURTHER RESOLVED by the Salisbury City Council that this Resolution shall take effect fifty (50) days from and after the date of its final passage and that its provisions shall be implemented on the 31st day of October, 2017, subject to the right of referendum. The City Clerk, on behalf of the Mayor, is hereby directed to proceed with the posting and publication of this Resolution, and the sending of information concerning the charter amendments provided for herein to the Maryland Department of Legislative Services pursuant to the requirements of the Maryland Annotated Code, Local Government Article, Subsection 4-304.

This Resolution was introduced, read and passed at a meeting of the Salisbury City Council held on the 11th day of September, 2017.

ATTEST:



Kimberly R. Nichols,
City Clerk



John R. Heath, President
Council of the City of Salisbury

Publish: September 15, 2017
September 22, 2017
September 29, 2017
October 6, 2017



To: City Council
From: Julia Glanz, City Administrator
Subject: Reorganization- Charter and Code Changes
Date: August 2, 2017

During the FY18 Budget Process, the Mayor and I proposed a plan to reorganize the departments within our City government in order to more appropriately align them with the City's goals and objectives.

Substantial changes that constitute this reorganization include: a one-stop-shop for all development projects, the consolidation of our code enforcement officers by relocating them all to one department, a reworking and division of the legacy structure of our Public Works department, a new focus on GIS in all City departments, an independent Procurement department, and the revocation of a previous arrangement that placed Parking under Procurement's purview. This reorganization will be evident in the functionality of our City government and will have a minimal impact on the FY18 Budget.

To further explain this reorganization, all proposed City Code and Charter changes are attached for your review, as well as the ordinance necessary to accept those changes.