

**CITY OF SALISBURY
ORDINANCE NO. 2102**

AN ORDINANCE of the City Council of the City of Salisbury to amend Section 8.24 *Nuisances* of the Salisbury Municipal Code to properly identify departmental authority to investigate and take necessary measures to abate such violations that constitute a nuisance which injuriously affects adjoining property owners and/or tenants.

WHEREAS, the ongoing application, administration and enforcement of the Salisbury Municipal Code, demonstrates a need for periodic review, evaluation and amendment; and

WHEREAS, the Salisbury Municipal Code Section 8.24 currently authorizes the “Health Officer, plumbing inspector or by any member of the police department” to give notice to the occupant of any property to abate nuisance violations; and

WHEREAS, the Mayor and City Council of Salisbury, Maryland wish to amend the Salisbury Municipal Code to establish the appropriate authorities having jurisdiction over such matters.

NOW, THEREFORE, be it enacted and ordained by the Council of the City of Salisbury, that Section 8.24.010, 8.24.020 and 8.24.030 of the Salisbury Municipal Code shall be amended as follows:

8.24.010 ~~Notice to abate nuisance. Investigation of Nuisance Complaint-~~
Notice to Abate.

~~Whenever any watercourse, well, spring, open ditch, gutter, cesspool, drain, privy pit or water closet or any house, building, trade establishment or manufacturing place or any accumulation or deposit of offensive or noxious matters or any water in which mosquitoes breed shall constitute a nuisance, injuriously affecting any adjacent property or district and dangerous to the health of any person within the city, the health officer,~~

A nuisance complaint that any of the following is in a condition that injures any adjacent property or that is dangerous to human health:

- (1) any watercourse, well, spring, open ditch, gutter, cesspool, drain, outhouse, ~~pit~~ or other place;
- (2) any accumulation or deposit of offensive or noxious matter;
- (3) any house, building, trade establishment or manufacturing place;
- (4) any water in which mosquito larva breed

shall be investigated by the Wicomico County Health Department and/or City of Salisbury Departments of Building, Permitting & Inspections, Neighborhood Services & Code Compliance or the Salisbury Police Department, and if the complaint is substantiated then the Wicomico County Health Department and/or City of Salisbury Departments of Building Permitting & Inspections, Neighborhood Services & Code Compliance or the Salisbury Police Department, shall give notice to the occupant of the premises on which the nuisance arises or exists requiring him to abate such nuisance within a time to be specified in the notice and to execute such works and do such things as may be necessary for that purpose. Should the occupant of any such premises be a person other than the owner, such notice shall be given to both the occupant and the owner. The notice required by this section shall be ~~signed by the health officer or any assistant health officer~~ issued by either the Wicomico County Health Department and/or the Departments of Neighborhood Services and Code Compliance, Building, Permitting and Inspections or the Salisbury Police Department, and may be served by mailing it to the occupant and owner, either or both, as the case may be, of the premises whereon such nuisance may exist, or such notice may be served personally upon such owner or occupant by the ~~health officer, the plumbing inspector or by any member of the police department~~ Wicomico County Health Department and/or the Departments of Neighborhood Services and Code Compliance, Building Permitting and Inspections, or the Salisbury Police Department. (Prior code § 104-1)

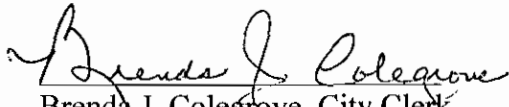
~~8.24.020 — Investigation of complaints.~~

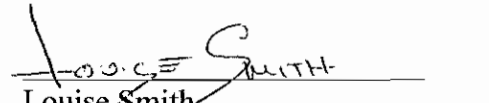
~~The health officer, Wicomico County Health Department and/or the Departments of Neighborhood Services and Code Compliance, Building Permitting and Inspections, or the Salisbury Police Department upon receipt of a complaint in writing, signed by the complainant, advising the health officer of the existence of any nuisance described in Section 8.24.010, shall promptly investigate such complaint and take such suitable action under this chapter as he may deem necessary. (Prior code § 104-2)~~

8.24.030-8.24.020 Non-Compliance with Notice to Abate.

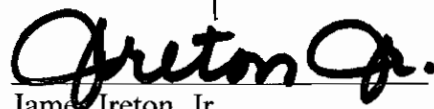
AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the Ordinance shall take effect upon final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 22nd day of March, 2010 and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the 26th day of April, 2010.


Brenda J. Colegrove, City Clerk


Louise Smith,
President of the Council of the City
of Salisbury

Approved by me, this 3rd
day of May, 2010.


James Ireton, Jr.,
Mayor of the City of Salisbury

Memo

To: John R. Pick, City Administrator
From: M. Thomas Stevenson, Director, NSCC *MTS*
Date: March 17, 2010
Re: Ordinance Change – Section 8.24 Nuisances

Attached you will find a revised version of the ordinance which will have the effect of changing Section 8.24 *Nuisances* of the Salisbury Municipal Code.

Although a consensus of council was obtained during the Monday, March 1, 2010 work session to proceed with the proposed legislation, some improvements were requested.

This version removes the reference to a "pigpen", as that language may be in conflict with other portions of the Municipal Code. This version also improves language that states that the departments having jurisdiction over such matters shall issue a notice as opposed to sign the notice. At the Council work session, it was suggested that we change the proposed ordinance to specify that a "representative" of the department would sign the notice. Upon review of this change, the City Attorney suggested that we use the word "issue" rather than "sign" and that we not add the word "representative" as suggested. His concern was that, if we added the word "representative" in Section 8.24.010 where suggested, it would make this reference inconsistent with the other references to the departments in this section. Changing the word "sign" to "issue" removes the reason for adding the word "representative" as suggested at the Council meeting.

Unless you or the Mayor have further questions, please forward this memo to the City Council.