

**CITY OF SALISBURY**  
**ORDINANCE NO. 2134**  
**AS AMENDED ON SECOND READING – JANUARY 24, 2011**

AN ORDINANCE of the City Council of the City of Salisbury, Maryland to repeal Section 12.04.060 Removal of Snow from Sidewalks – Notice – Enforcement and adopt Chapter 12.10 Snow and Ice Removal.

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 12.04.060 currently requires owners of any land or premises situated within the city where sidewalks are laid to remove snow and ice therefrom following a snow and/or ice event; and

WHEREAS, the current statute does not provide authorization to abate violations and recover such costs in the same manner as the collection of real estate taxes; 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 snow and ice removal from sidewalks and procedures related thereto.

NOW, THEREFORE, be it enacted and ordained by the Council of the City of Salisbury, that Section 12.04.060 of the Salisbury Municipal Code shall be repealed and Chapter 12.10 shall be adopted as follows:

**~~12.04.060 Removal of snow from sidewalks – Notice – Enforcement.~~**

~~All owners and persons in possession of any land or premises situated on any street within the city where sidewalks are laid shall remove the snow therefrom the entire length thereof for a width of at least four feet and may deposit the same along the remaining portion of such sidewalks nearest the curb within six hours after it has ceased falling, unless the same shall have fallen between the hours of five p.m. and seven a.m., in which~~

~~ease it shall be removed before two p.m. In the event that the snow is not removed within the time and manner above provided, the owner or person in possession shall be notified to forthwith remove the same and, in the event of a failure to do so, shall be guilty of a misdemeanor. In addition thereto, the city may cause the same to be removed as above specified and charge the cost thereof against the owner or occupant, to be recovered by suit.~~

~~(Prior code § 136-6)~~

**Chapter 12.10**  
**SNOW AND ICE REMOVAL**

**Sections:**

**12.10.010 Removal of snow and ice from sidewalks**

**12.10.020 Notice of violation**

**12.10.030 Noncompliance**

**12.10.040 Abatement by city.**

**12.10.050 Costs of removal to constitute lien on property—Interest—Collection.**

**12.10.060 Appeal.**

**12.10.010 Removal of snow and ice from sidewalks**

A) All owners ~~and persons in possession~~ of any land or premises situated on any street within the city where sidewalks are laid shall remove the snow and ice therefrom for the entire length thereof for a width of at least four (4) feet or, at a minimum, the entire width of the sidewalk if less than four (4) feet and may deposit the same along the remaining portion of such sidewalks which is farthest from the street within twenty four (24) hours after **the snow or ice has stopped falling.** ~~City of Salisbury has issued a public notice requiring snow and ice be removed from public sidewalks.~~

B) Sand and/or de-icing agents may be used in the event removal is not practical. Removal of sand or other material used for this purpose must be performed within a reasonable time period following the weather event. Such material not removed in a timely manner shall be considered rubbish.

C) Residential property owners who for the totality of their circumstances, considering such factors as age, physical handicap or disability, who are unable to comply with the twenty four (24) hour requirement may submit a request for an exemption to the Housing Official by November first (1<sup>st</sup>) of each year. The property owner shall be responsible for the cost of removing the snow and ice and the fee for such work shall be collectable in the same manner in which real estate taxes are collected. No administrative fees or penalties will be imposed provided the exemption was properly obtained.

~~D) The City of Salisbury shall be responsible for issuing a public notice informing the community that the twenty-four (24) hour compliance period has commenced.~~

**12.10.020 Notice of violation**

A. When a violation of Section 12.10.010 of this chapter occurs, a notice of violation shall be posted on the property. This letter of violation shall:

1. Be in writing;

2. State the nature of the violation and that such condition constitutes a violation;

3. Describe the premises where the violation is alleged to exist;

~~a. State that the condition must be removed from the property within twelve hours (12) of the date and time of the notice of violation;~~

~~b. State that the department of neighborhood services and code compliance shall conduct a re-inspection of the property after twelve hour (12) period has expired;~~

4. State that **upon discovery** the condition **will may** be abated by the City; ~~if the violation remains uncorrected upon re-inspection;~~

5. State that the cost of abatement shall be assessed against the property as a lien on the City Tax Records, and shall be collectible as a Real Property Tax Lien;

6. State that upon violation of Section 12.10.010 of this chapter, the owner shall be guilty of a municipal infraction and fined fifty dollars (\$50.00) for the first offense. For each day that the condition remains unabated, the owner shall be guilty of a municipal infraction and fined fifty dollars (\$50.00) per day for up to a maximum of five consecutive days; and

7. Service by one of the following methods:

a. By posting a copy of the notice or order in a conspicuous place on the property subject to the order.

b. By hand-delivering the notice to the person to be notified, or

c. By leaving the notice at the usual residence or place of business of the person to be notified with a person of suitable age and discretion then resident or employed therein.

**12.10.030 Noncompliance with directive to remove snow and ice from sidewalks.**

Upon failure, neglect or refusal of any property owner duly notified to remove snow and ice from ~~snow and ice covered~~ sidewalks within the time ~~specified in the notice~~ provided for in Section

12.10.010 of this chapter, the owner shall be in violation of this chapter and owner shall be guilty of a municipal infraction and fined fifty dollars (\$50.00) for the first offense. For each day that the condition remains unabated, the owner shall be guilty of a municipal infraction and fined fifty dollars (\$50.00) per day for up to a maximum of five consecutive days. Every such person may be guilty of a separate offense for every day such violation shall continue.

#### **12.10.040 Abatement by city.**

A. In the event of failure, neglect or refusal of any owner duly notified pursuant to Section 12.10.010 of this chapter, to remove snow and ice from sidewalks **within the 24 hour (twenty four hour) time period provided** ~~the applicable time period specified in the notice,~~ the director of the department of neighborhood services and code compliance may cause the condition to be abated by appropriate means.

#### **12.10.050 Costs of removal to constitute lien on property—Interest—Collection.**

A. If the director of the department of neighborhood services and code compliance causes a condition to be abated under this chapter, the cost or expense of such abatement, plus \$100.00 (one hundred dollars) for the cost of administering the provisions of this chapter, shall be assessed, and the director of the department of neighborhood services and code compliance shall issue a notice to the property owner. The notice shall be in writing and state the following:

1. The amount of fees due as of the date of the notice;
2. That if the owner fails to pay the fees due within 30 (thirty) days after billing, the director of the department of neighborhood services and code compliance shall cause the same to be recorded in the department of internal services the amount of fees due and owing, and such amount will be carried on the records of the city of Salisbury and shall be collectible in the same manner as real estate taxes are collected;

B. If the full amount of any fees due to the city is not paid by the owner within 30 (thirty) days after billing and the property owner does not file a timely appeal, the director of the department of neighborhood services and code compliance shall cause to be recorded in the department of internal services the amount of fees due and owing, and such amount will be carried on the tax records of the city of Salisbury and shall be collectible in the same manner as real estate taxes are collected, including the accrual of interest.

#### **12.10.060 Appeal.**

A. Any person wishing to appeal a determination of the director of the department of neighborhood services and code compliance regarding the provisions of this chapter shall file a written notice of appeal with the department of neighborhood services and code compliance within 21 (twenty-one) days after receipt of a notice sent pursuant to the provisions of this chapter. The notice of appeal shall contain a statement of grounds for the appeal. The notice of appeal shall be accompanied by a fee of \$100.00 (one hundred dollars). Municipal infraction citations are subject to the jurisdiction of the District Court of Maryland and, once issued, are not subject to the provisions of this Chapter.

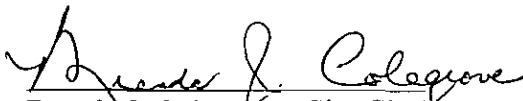
B. The director of the department of neighborhood services and code compliance shall refer the appeal to the housing board of adjustments and appeals for hearing pursuant to Chapter 15.24.360 of the Salisbury Municipal Code.

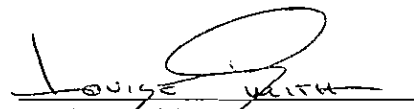
C. Should the decision of the housing official be overturned by the housing board of adjustments and appeals the appellant ~~may request shall receive~~ a full refund of the \$100.00 (one hundred dollar) appeal application fee. ~~Any such request shall be submitted in writing to the director of neighborhood services and code compliance~~ within 30 (thirty) days of the date of the decision of the board.

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 13<sup>th</sup> day of December, 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 24<sup>th</sup> day of January, 2011.

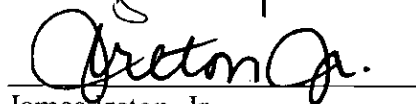
ATTEST:

  
Brenda J. Colegrove, City Clerk

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

Approved by me, this 31<sup>st</sup>

day of January, 2011.

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