

AS AMENDED ON JANUARY 28 and FEBRUARY 25, 2013
ORDINANCE No. 2230

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING FALSE ALARM FEES AND DESIGNATING CERTAIN REOCCURRING FALSE ALARMS WITHIN THE SAME CALENDAR YEAR AT THE SAME PROPERTY LOCATION AS MUNICIPAL INFRACTIONS.

WHEREAS, the City of Salisbury has a false alarm ordinance in effect and desires to make changes to it to clarify the fees associated with false alarm responses by the Salisbury Police Department and Salisbury Fire Department; and

WHEREAS, the City of Salisbury desires to grant it the power to designate reoccurring false alarm responses at the same property location within the same calendar year as a municipal infraction, which would allow the City to seek abatement of the problem through the court system; and

WHEREAS, the City of Salisbury desires to make the changes to ensure that its police department and fire department do not expend valuable limited public resources responding to reoccurring false alarms at the same property location; and

WHEREAS, the City of Salisbury desires to consider an update of actual response fees for the Salisbury Police Department and Salisbury Fire Department on at least a yearly basis.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that **Title 8 Health and Safety Section 8.04.050** of the City Code is amended as outlined below:

8.04.050 False alarms--Violations and penalties.

A. If, within a calendar year, the fire and/or police departments respond to more than two false alarms at the same location, ~~the following~~ response fees will be charged to the property owner, as defined in Section 15.24.530, in accordance with the fee schedule in effect at the time of the response ~~and on file with the Director of Internal Services~~. The fee schedule shall be set by Resolution by the Council of the City of Salisbury and shall be set each year during the month of June or at any other date that from time to time as the Council deems appropriate. Prior to January 31st of each year, for the purpose of setting a fee schedule, the police department and fire department shall provide the Council with up-to-date response fees from each department. Each billable false alarm response shall incur a separate twenty-five (\$25.00) administrative processing fee in addition to the false alarm response fee.

False Alarm Occurrence	Fees	
	Police	Fire
1st	\$ 0.00	-0.00
2nd	-0.00	-0.00
3rd	-200.00	-50.00
4th	-400.00	-100.00
5th	-600.00	-150.00

6th	-800.00	-200.00
7th	1,000.00	-250.00
8th	1,200.00	-300.00
9th	1,400.00	-400.00
10th	1,600.00	-500.00
11th	1,800.00	-600.00
12th	2,000.00	-700.00
13th	2,200.00	-800.00
14th and above	2,500.00	1,000.00

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Failure to pay said ~~fin~~ fees within ninety (90) days of notification of the violation will result in a lien ~~on the~~ against the real property until ~~fin~~ the fees are satisfied and shall be collectible in the same manner as real estate taxes and accrue interest and penalties, if applicable, as allowed for unpaid real estate taxes as well.

B. Newly installed alarm systems will be given a thirty (30) day grace period to allow for correction of equipment and user errors. During the thirty (30) day period, the alarm user will be allowed unlimited false alarms, as long as steps are being taken to correct any problems. The alarm company installing the new system shall notify the police and fire departments in writing of the new installation, including the effective date.

C. The director of internal services will maintain accurate records of false alarms and will bill for payment thereof by mailing said bill to the property owner of the subject location.

D. If the false alarm bill remains unpaid for more than ninety (90) days, the director of internal services shall place a lien against the subject real property by forwarding to the last known address of the owner as recorded in the real estate assessment records of the City of Salisbury by written notice, a notice of lien, and such receipt shall constitute a prima facie evidence of service upon such owner if it is signed either by the owner or by a person of suitable age and discretion located at such address. In the event that delivery of said notice of lien is refused by the property owner or his agent, then valid service may be accomplished by hand delivery of same to either the property owner or a person of suitable age and discretion employed or residing at the subject location or by posting the written notice in a conspicuous place in or about the structure or property affected by such notice.

E. Municipal Infraction.

For any violation occurring after the fourth false alarm response by the same responding department within the same calendar year, the person owning and/or in control of the subject real property shall be guilty of a municipal infraction and shall be subject to a fine of a minimum of five hundred dollars (\$500.00) and a maximum of one thousand dollars (\$1,000.00) for each offense. Each false alarm response thereafter within the same calendar year shall constitute a separate offense. Notice and service of a citation shall be as directed under Article 23A § 3 and § SC5-1(38), as amended, concerning municipal infractions. The Chief of Police and Fire Chief are designated by the Council to direct the designated persons within their departments to act as enforcement officers for the purpose of preparing and carrying out the requirements for issuing and serving municipal infractions.

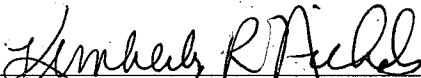
81 (Ord. 1992 (part), 2006; Ord. 1955 (part), 2005)

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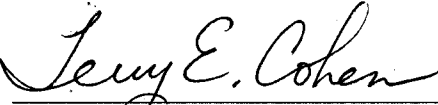
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on this 28th day of January, 2013, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the 25th day of February, 2013.

ATTEST:

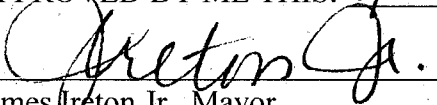


Kimberly R. Nichols, City Clerk



Terry E. Cohen, President
Salisbury City Council

APPROVED BY ME THIS: 4th day of March, 2013.



James Breton Jr., Mayor