

ORDINANCE No. 2361

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING CHAPTER 8.04.050 OF THE SALISBURY MUNICIPAL CODE TO PROVIDE FOR THE ENFORCEMENT OF THIS SECTION BY THE CHIEF OF POLICE, THE FIRE CHIEF AND THE DIRECTOR OF NEIGHBORHOOD SERVICES AND CODE COMPLIANCE.

WHEREAS, through the creation of section 8.04 the City has established standards and regulations pertaining to alarm systems; and

WHEREAS, from time to time it is prudent to review and amend the code; and

WHEREAS, it has been shown that countless alarm notifications prove to be unintentional; and

WHEREAS, the City has determined that the Police Department and Fire Department would be better suited to maintain the records of false alarms; and

WHEREAS, the City has determined that the Housing Official should be a part of the Municipal Infraction procedures.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that Chapter 8.04.050 be modified as follows:

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 (2) false alarms at the same location, response fees will be charged to the property owner, as defined by separate ordinance, in accordance with the fee schedule in effect at the time of the response. The Council of the City of Salisbury shall set the fee schedule 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.

Failure to pay said fees within ninety (90) days of the date on the notification of the violation will result in a lien against the real property until 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 and newly transferred 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 or transferring a system shall notify the Police and Fire Departments in writing of the new installation or transfer, including the effective date, within 10 days of the effective date.

- C. ~~The Chief of Police and the Fire Chief~~ ~~The Director of Internal Services~~ will maintain accurate records of false alarm occurrences. ~~and will~~ A bill will be sent for payment thereof by mailing said bill to the property owner of record of the subject location, the designated agent, if any, and the occupant of the property if known to the Director of Internal Services. The Director of Internal Services will send the bills for occurrences one (1) to five (5). The Director of Neighborhood Services and Code Compliance will send the bills, when the number of occurrences is six (6) or more.
- 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 fifth 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 *not* to exceed five hundred dollars (\$500.00) for each offense as established in the table listed below. 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 Local Government Article of the Maryland Annotated Code § 6-101, et seq. and § SC5-1(38), as amended, concerning municipal infractions. ~~The Chief of Police, and the Fire Chief~~ and the Housing Official 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.

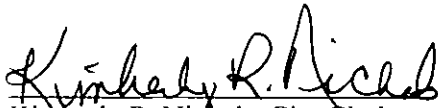
The amount of a fine shall be in accordance with the table below:

FALSE ALARM OCCURRENCE / FINE	POLICE	FIRE
6th	100.00	100.00
7th	200.00	200.00
8th	300.00	300.00
9th	400.00	400.00
10th	500.00	500.00

AND BE IT FURTHER ENACTED AND ORDAINED BY 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 26 day of October, 2015 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 9 day of November, 2015.

ATTEST:


Kimberly R. Nichols, City Clerk


Jacob R. Day, City Council President

Approved by me, this 16th day of November, 2015.


James Ireton, Jr., Mayor

City of Salisbury



MARYLAND

Salisbury



2010

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JULIA GLANZ
ASSISTANT CITY ADMINISTRATOR

KEITH A. CORDREY
DIRECTOR OF INTERNAL SERVICES

To: Tom Stevenson, City Administrator
From: Keith Cordrey, Director of Internal Services *KAC*
Date: September 28, 2015
Re: False Alarm Billing

The Fire, Police, and Finance Departments have collaborated to develop a process that will allow the city to enforce the provisions of the false alarm ordinance. A few revisions to the ordinance were found prudent to make the ordinance consistent with the most efficient and effective administration of false alarm billing. A revised ordinance is included as an attachment which includes the following revisions:

- 8.04.050 C was modified to clarify
 - o Fire and Police Chiefs will maintain the records to track number of occurrences as needed to determine if an infraction applies.
 - o Internal Services will prepare / send bills when there is no infraction (5 or less occurrences) and NSCC will prepare / send bills when there is an infraction (6 or more occurrences).
- .04.050 E was modified to expand NSCC to designate staff to act as enforcement officers as needed for issuing and serving municipal infractions.

Upon your review, please forward this to Council.