

Title 8

HEALTH AND SAFETY

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Chapter 8.04

ALARMS*

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* Prior ordinance history: Ord. 1907.

8.04.010 Purpose and definitions.

The purpose of this chapter is to provide standards and regulations applicable to alarms such as burglar (intrusion), holdup (robbery) alarms, life safety alarms (fire detection, heat detection, smoke detection and water flow in occupancies), alarm companies, alarm agents and alarm users as defined in this chapter. It is the intent of this chapter to provide for the registration of alarm companies, and alarm systems, to control false alarms, to ensure the proper operation, maintenance, and use of alarm systems, to place a time limit on audible alarms and to provide penalties for violations of this chapter.

For the purpose of this chapter, the following words shall have the meanings ascribed to them:

"Alarm" means activation of any alarm system that indicates that a criminal activity, fire or fire-related emergency, or medical emergency is taking place. The alarm may be an audible alarm at or within the occupancy or it may be transmitted to a central monitoring station by electronic means.

"Alarm agent" means any person employed by an alarm company whose duties shall include the altering, installing, maintaining, moving, repairing, replacing, selling, servicing, responding, or causing others to respond, to an alarm system.

"Alarm company" means any person who engages in the business of altering, maintaining, selling at retail, servicing or responding to an alarm system but does not include telephone answering services which receive alarm activation signals and relay information to the police or fire department dispatch centers but do not function in any other manner.

"Alarm dispatch notification" means the process for notification of the fire or police dispatch centers indicating that an alarm, either automatic or manual, has been activated at a particular alarm site.

"Alarm signal" means the actual activation of an alarm system.

"Alarm site" means a single premise or location served by an alarm system or systems.

"Alarm system" means any assembly of equipment, mechanical or electrical, device or series of devices, including, but not limited to, systems interconnected by radio frequency signals, arranged or designed to signal an alarm indicating an unauthorized entry to, or criminal activity requiring attention and to which the police are expected to respond. It shall also mean an alarm indicating fire, smoke, excessive heat, or sprinkler water flow in the occupancy by emitting or transmitting a remote or local audible, visual, or electronic signal indicating an alarm condition that requires immediate attention and to which the fire department is expected to respond. Alarm system includes devices activated automatically, such as burglary alarms, fire, heat, or smoke detectors, water flow alarms and devices activated manually, such as holdup alarms and individual emergency pull stations. Alarm system does not include an alarm installed on a vehicle or an alarm designed to alert only the occupants of a premise that does not have a sounding device that is audible on the exterior of the alarm site.

"Alarm user" means any owner or lessor of any alarm system, the occupant of any dwelling unit with an alarm system, each tenant using an alarm system in a multi-tenant occupancy, or any person, firm, partnership, corporation, government or other entity which uses an alarm system at an alarm site.

"Audible alarm system" means an alarm system, which utilizes an audible device such as a siren, bell,

horn, klaxon, etc., as a warning device when the alarm is activated.

"Automatic dialing device" means an alarm system, which automatically sends over a regular telephone line, by, direct connection or otherwise, a prerecorded voice message indicating the existence of the emergency situation that the alarm system is designed to detect.

"Cancellation" means verification from the alarm business or company that there is no actual emergency at the alarm site and there is no further need for the police or fire department to respond.

"Central monitoring station" means a control center, including but not limited to a telephone answering service which provides for the receiving, on a continuous basis through trained employees, emergency signals from alarm systems and thereafter immediately relaying the message by live voice to the communication center of the police department or the dispatch center for the fire department of the city of Salisbury.

"City" means the city of Salisbury, Maryland.

"Control panel" means the on-site central processing unit designed to control, manage, and operate an alarm system.

"Digital dialer" means a device that transmits digital signals from an alarm system to a central monitoring station through the telephone network.

"False alarm" means any alarm caused by means other than criminal activity, or an actual fire or medical emergency including, but not limited to, the activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm or of his employees or agents; any alarm that is caused by means other than criminal activity or when functioning properly.

"Fire chief" means the chief of the fire department of the city of Salisbury, Maryland, or his/her designated representative.

"Fire department" means the city of Salisbury fire department.

"Fire department dispatch center" means the agency responsible for dispatching the fire department for event response.

"Holdup alarm system" means an alarm system signaling a robbery or attempted robbery.

"Key box entry system" means a device designed to safely secure keys, or other information, for use by fire department personnel to quickly gain access and entry into an occupancy.

"Keypad or touch pad" means a device that permits the control of an alarm system by the manual entering of a coded sequence of numbers or letters.

"Monitoring" means the process by which an alarm company receives signals from alarm systems and relays an alarm dispatch notification to the dispatching agency for the purpose of summoning fire, emergency medical services, and/or police personnel to respond to the alarm site.

"Panic alarm" means an alarm system described or advertised for the purpose of being normally or otherwise activated by a person to summon fire department personnel or police for any reason other than robbery or robbery attempts or an actual fire or a medical emergency.

"Person" means any person, firm, partnership, association, corporation, company of any kind.

"Police chief" means the chief of police department of Salisbury, Maryland or his/her designated representative.

"Police department" means the Salisbury police department.

"Proprietor" means any person who owns or controls the use of property in which an alarm system is installed.

"Residential alarm user" means the occupant of any residential dwelling that constitutes a single alarm site with an alarm system.

"Takeover" means the transaction or process by which an alarm user takes over the control of an existing alarm system that was previously controlled by another alarm user.

"Twelve-month period" means a consecutive twelve (12) month period within a calendar year.

"Verification" means the attempt by the alarm company or its representative/s to contact the alarm site by telephone or other electronic means, whether or not actual contact with a person is made, to corroborate, or verify, the information transmitted by the alarm signal.

"Written notice" means notice by certified mail, return receipt requested.
(Ord. 1955 (part), 2005)

8.04.020 License--Required.

A. It is unlawful for any person or alarm company intending to conduct business within the city limits of the city of Salisbury without first having obtained a license from the director of internal services.

B. The application for an alarm company license shall be signed by the individual proprietor of the business or by a partner or by the proper corporate official as is appropriate for the form of business seeking to register for a license.

C. The police department shall establish standards that an alarm company must meet to obtain an alarm company license. The police department shall refuse a license to any alarm company that fails to meet its alarm company standards.

D. The police department shall, within thirty (30) days after receipt of the application, either approve or deny the issuance of a license. In the case of approval, the director of internal services shall notify the applicant in writing of the approval and shall issue a license on a form established by the director of internal

services. In the case of denial, the police department shall notify the applicant in writing of the denial and of the basis for the denial. The notice of denial shall inform the applicant that he may appeal the denial and set forth a procedure for appeal. A procedure for appeal shall be established by the police department.
 (Ord. 1992 (part), 2006: Ord. 1955 (part), 2005)

8.04.030 Application for license--Fees.

Applications shall be made on forms furnished by the director of internal services. The applicant shall pay a one-time registration fee of fifty dollars (\$50.00) and may renew the registration, at no cost, prior to expiration each calendar year. All companies currently conducting business in the city shall re-register and update information before July 1, 2006.
 (Ord. 1992 (part), 2006: Ord. 1955 (part), 2005)

8.04.040 Alarm companies to provide list of users to police and fire departments.

All licensed alarm companies shall provide the police and fire departments with the following:

1. A complete list of names and addresses of all persons to whom alarm systems have been sold, leased, rented or otherwise given use of;
2. The alarm system's location;
3. All other information requested on a form provided by the police department.

(Ord. 1955 (part), 2005)

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.

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

Failure to pay said fines within ninety (90) days of notification of the violation will result in a lien on the property until fines are satisfied.

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 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.

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

8.04.060 Weather-related activation of alarms.

A. Police Department Actions. Due to the activation of many alarms during severe weather, the on-duty commander of the police department shall have the option of assigning alarms a low priority during this time. If time permits the building may be visually checked by an officer. If, because of other calls or because of an excessive amount of alarms, the police department is unable to respond to the alarm location, the central monitoring station will be notified of the problem, and it will be the alarm company's responsibility to have someone check the building or to notify a representative of the business of the situation. Once this notification is made, the police department is relieved of any responsibility to respond to that alarm.

B. Fire Department Actions. Due to the activation of many alarms during severe weather, the fire department shall have the option of assigning alarms a low priority during this time. Priority assignments shall be made based on the type of alarm, the type of occupancy, and the fire department's previous experience and history of alarms received from the occupancy and its response to the location. The fire department shall cause a process of verification of the alarm to be initiated to assist in the assignment of a priority to the alarm activation. If the fire department is unable to immediately respond to the location due to the increased volume of alarm system activations, the fire department dispatch center shall be notified. The alarm company shall be responsible to investigate the nature and cause for the alarm activation and advise the fire department dispatch center. Unless verification indicates that the fire department's services are required at the alarm location, the fire department is relieved of any responsibility to respond to the alarm and of any liability associated with the lack of a sufficient response to the alarm site.

(Ord. 1955 (part), 2005)

8.04.070 Holdup alarms.

It is unlawful for any alarm user to activate any alarm system known as a "holdup alarm" to summon police for anything other than a holdup in progress. Use of alarm systems for crimes such as thefts, disorderly or

intoxicated subjects is prohibited and shall be charged as a false alarm.
(Ord. 1955 (part), 2005)

8.04.080 Panic alarms prohibited.

No system known as a "panic alarm" will be permitted within the limits of the city of Salisbury.
(Ord. 1955 (part), 2005)

8.04.090 Audible alarm systems.

It is unlawful for any person, firm or business to install or maintain any audible alarm system which does not automatically discontinue emitting an audible sound within fifteen (15) minutes. The use of an audible alarm by itself is prohibited. The alarm must have the capability of notifying someone of an alarm activation by means other than emitting an audible sound. This shall not apply to fire alarms, elevator emergency alarms, water flow activation alarms, or alarms which indicate a medical emergency.
(Ord. 1955 (part), 2005)

8.04.100 Auto dialer.

It is unlawful for any person to have any device attached in any way to a telephone or telephone-type equipment which, when activated by remote control, dials a preprogrammed number and transmits a prerecorded message communicating a then-existing emergency condition including, but not limited to fire, illness or a criminal offense, which used the number of the police or fire departments. The police chief is authorized to grant exceptions for handicapped persons.
(Ord. 1955 (part), 2005)

8.04.120 Operating without a license--Penalties.

A. An alarm company may not conduct business, including, but not limited to installing, altering, leasing, monitoring, maintaining, repairing, replacing or servicing an alarm system, within the city of Salisbury, without an alarm company license. A violation of this subsection shall be a misdemeanor, subject to imprisonment of up to thirty (30) days, or a fine not to exceed five hundred dollars (\$500.00) and imprisonment not to exceed thirty (30) days.

B. Any alarm company conducting business within the city of Salisbury on the effective date of the ordinance codified in this chapter shall apply for a license within thirty (30) days of the effective date of the ordinance codified in this chapter and may continue conducting business while its license application is being processed. An alarm company not previously conducting business in the limits of the city on the effective date of this chapter shall not commence conducting business until the application is approved.

C. Any violation of this chapter which does not specifically provide for a penalty shall be a misdemeanor and subject to a fine of not more than one hundred dollars (\$100.00).
(Ord. 1955 (part), 2005)

8.04.130 Alarm system operating instructions.

The alarm user shall maintain a copy of the operating instructions for the alarm system at the alarm site and provide this document to the fire department upon request.
(Ord. 1955 (part), 2005)

8.04.140 Alarm system operation and maintenance.

The alarm user shall:

- A. Maintain the premises and the alarm system in such a manner that will minimize or eliminate unnecessary false alarms.
- B. Cause a representative to respond to the alarm system's location within thirty (30) minutes (or less) when requested by the fire department.
- C. Ensure that the alarm system control key(s) or code(s) are safely secured in the facility's key box in accordance with key box entry system code provisions.

(Ord. 1955 (part), 2005)

Chapter 8.05

KEY BOX ENTRY SYSTEM

Sections:

8.05.010 Purpose.

8.05.020 Definitions.

8.05.030 Key boxes.

8.05.040 Key box contents.

8.05.050 Installation of key boxes.

8.05.060 Violations and penalties.

8.05.010 Purpose.

The purpose of this chapter is to provide standards and regulations applicable to key box entry systems thereby permitting fire department personnel to gain access and entry into structures within the city in order to conduct appropriate life-saving, fire suppression, rescue, and other emergency operations at structures and occupancies in which access is difficult or unduly delayed because of secured external or internal entranceways. It is the intent of this chapter to provide for the designation, location, and installation of key boxes thereby permitting expedient access to such occupancies or structures for emergency services personnel.

(Ord. 1956 (part), 2005)

8.05.020 Definitions.

For the purpose of this chapter, the following words shall have the meanings ascribed to them:

"Alarm system" means any assembly of equipment, mechanical or electrical, device, or series of devices, including, but not limited to, systems interconnected via radio frequency signals, arranged or designed to signal an alarm indicating fire, smoke, excessive heat, or sprinkler water flow in the occupancy, by emitting or transmitting a remote or local audible, visual, or electronic signal indicating an alarm condition and that

requires immediate attention and to which the fire department is expected to respond. Alarm systems include devices activated automatically such as fire, heat or smoke detectors, water flow alarms and individual emergency pull stations. Alarm system does not include:

1. Alarm installed on a vehicle;
2. Alarm designed to alert only the occupants of a premise that does not have a sounding device that is audible on the exterior of the alarm site.

"Fire chief" means the chief of the fire department of the city of Salisbury, Maryland, or his designated representative.

"Fire department" means the city of Salisbury fire department.

"Key box" means a device designed to safely secure keys, or other pertinent facility access device/s or information, for the use of emergency services personnel to quickly gain access and entry into an occupancy.

"Master key" means the key maintained by the fire department that unlocks a key box.

"Person" means any individual, corporation, partnership, association, organization, or similar entity.

"Proprietor" means any person who owns or controls the use of property in which an alarm system is installed.

"Twelve-month period" means a consecutive twelve-month period within a calendar year.

"Written notice" means notice by certified mail, return receipt requested.
(Ord. 1956 (part), 2005)

8.05.030 Key boxes.

A. Every owner or lessee shall, by the installation of an alarm system, be deemed to have consented to the installation of mandatory key boxes in structures subject to this chapter.

B. All properties under construction or to be constructed within the city, including, but not limited to, all commercial buildings, churches, multiple family residential dwellings of six or more attached units, places of worship, places of public assembly, educational facilities, commercial facilities, government agencies and facilities, school dormitories, and other properties designated by the fire chief, shall be subject to this chapter.

C. Any owner, or lessee of property having an automatic fire alarm or fire suppression system; shall, within ninety (90) days written notice from the fire chief of the city of Salisbury fire department, be required to install a rapid entry key box system approved by the fire chief. Single-family residential dwellings and owner-occupied two-family residential dwellings shall be exempt from this requirement.

D. The fire chief, or his designee, shall have jurisdiction for the enforcement of this requirement and

serve as the enforcement officer.

E. The fire chief shall have the authority to designate the type of rapid entry key box system, and the associated requirements for its installation.

F. The key box master key shall be maintained in a place designated by the fire chief in compliance with fire department operational policies and procedures.
(Ord. 1956 (part), 2005)

8.05.040 Key box contents.

A. The key box shall contain the followed labeled keys when applicable:

1. Keys to security gates (personnel and vehicle);
2. Keys to points of external or interior egress;
3. Keys to electrical, mechanical, and plumbing equipment rooms;
4. Keys for control valves;
5. Keys for fire alarm panels;
6. Keys for roof hatches;
7. Keys for breakaway pad locks;
8. Keys to elevator access, control rooms, and locking devices;
9. Keys for the firefighter service operation of facility elevators;
10. Keys to any fenced or secured occupancy areas;
11. Keys to all common areas of the occupancy that may be secured;
12. Keys to any other areas deemed necessary by the fire chief or his designee.

B. The key box shall contain the following additional information:

1. Up to date list of responsible parties and responders, including names and contact telephone numbers, to be contacted by the fire chief or his designee for each occupancy;
2. List of utility control points for occupancies within the facility;
3. Any applicable system access codes or passwords required for entry to the facility.

C. Each key shall be clearly marked with a tag identifying the access mechanism/s or device/s that it operates.
(Ord. 1956 (part), 2005)

8.05.050 Installation of key boxes.

Key boxes:

- A. Shall be installed on the exterior of the building within no less than ten feet of the entrance door normally used by the fire department to access the building.
- B. Shall be installed no higher than six feet nor lower than five feet from the ground level immediately adjacent to the installation location.
- C. Shall be installed in such a manner that it is free from physical obstruction (trees, bushes, etc.).
- D. Shall be marked with a white reflective letter "A" installed on the door of the box, no less than two inches in height, if the box is equipped with a tamper alarm switch.
- E. Shall not be painted as this may reduce visibility of the box, or impede entry into the box.

A reflective decal approved by the fire chief shall be affixed no higher than six feet nor lower than five feet from the adjacent ground level on the entrance door normally used by the fire department. This decal shall be notification to responding fire department personnel of the presence of a key box in the vicinity of the entrance.
(Ord. 1956 (part), 2005)

8.05.060 Violations and penalties.

Any violation of this chapter shall be punishable by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) plus court costs. Each day that the violation exists or continues shall be considered a separate offense.
(Ord. 1956 (part), 2005)

Chapter 8.08

BRUSH, WEEDS AND OBNOXIOUS GROWTH*

Sections:

8.08.010 Cutting or removal of grass, weeds, brush and plant growth required.

8.08.020 Maintenance of curbs, gutters and sidewalks clear of growth.

8.08.030 Warning letter of violation.

8.08.040 Action upon noncompliance with notice to remove growth.

8.08.050 Abatement by city.

8.08.060 Costs of removal to constitute lien on property--Interest--Collection.

8.08.070 Appeal.

* Prior history: Prior code §§ 50-1--50-6 as amended by Ords. 1571, 1650 and 1971.

8.08.010 Cutting or removal of grass, weeds, brush and plant growth required.

Every owner of any area, lot or parcel of land shall cut, trim or otherwise remove or cause to be cut, trimmed or otherwise removed all grass, weeds, brush or plant growth thereon in excess of eight inches. "Weeds" shall be defined as all grasses, annual plants and vegetation other than trees or shrubs; provided, however, that this term shall not include cultivated flowers and gardens. It shall be the duty of any person owning any plat of ground in the city to prevent the growth of weeds thereon as shall constitute a health hazard, fire hazard, safety or traffic hazard or public nuisance.
(Ord. 1980 (part), 2006)

8.08.020 Maintenance of curbs, gutters and sidewalks clear of growth.

Property owners of any lot or land located in the city shall maintain their respective curbs, gutters and sidewalks bordering their parcels of land in such condition as to be clear of all growth of grass, weeds, brush or plant growth within the curb, gutter and sidewalk.
(Ord. 1980 (part), 2006)

8.08.030 Warning letter of violation.

- A. When a violation of Section 8.08.010 or 8.08.020 of this chapter occurs, a warning letter of violation shall be sent to the owner or occupant of the property. This warning 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;
 4. For a first violation in any calendar year:
 - a. State that the condition must be removed from the property within ten days of the date of the notice,
 - b. State that the department of neighborhood services and code compliance shall conduct a re-inspection of the property after ten days have passed since the date of the notice.
 5. For a second violation in any calendar year:
 - a. State that the condition must be removed from the property within seven days of the date of the notice,
 - b. State that the department of neighborhood services and code compliance shall conduct a reinspection of the property after seven days have passed since the date of the notice.
 6. State that, if during the inspection of the premises, the violation complained of in the warning letter is found, it shall be abated by the city as soon as practicable, and the costs of such

abatement shall be specially assessed and shall be deemed a personal debt against the owner and constitute a lien against the property from which abated;

7. State that upon violation of Section 8.08.010 or 8.08.020 of this chapter, the owner shall be guilty of a municipal infraction, and upon conviction shall be fined twenty-five dollars (\$25.00) for a first offense and fifty dollars (\$50.00) for each day the condition remains unabated up to a maximum of five hundred dollars (\$500.00);
8. Be served by one of the following methods:
 - a. By depositing the notice or order in the United States Post Office, first class postage prepaid, addressed to the owner at his last known address as recorded in the real estate assessment records of the city of Salisbury and 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.
9. State that only two warning letters will be issued to the same property owner in any calendar year and that if further violations of this chapter occur, the condition causing a violation may be abated without notice.

(Ord. 1980 (part), 2006)

8.08.040 Action upon noncompliance with notice to remove growth.

Upon failure, neglect or refusal of any property owner duly notified to cut, destroy and remove such excessive growth of grass, weeds, brush or plant growth from his property or any growth on his respective curb, gutter or sidewalk within the time specified in the notice provided for in Section 8.08.030 of this chapter, the owner shall be in violation of this chapter and shall be guilty of a municipal infraction and, upon conviction in any court of competent jurisdiction, shall be fined twenty-five dollars (\$25.00) for the initial offense and fifty dollars (\$50.00) for each day that the offense remains unabated up to a maximum of five hundred dollars (\$500.00). Every such person may be guilty of a separate offense for every day such violation shall continue.

(Ord. 1980 (part), 2006)

8.08.050 Abatement by city.

A. In the event of failure, neglect or refusal of any owner duly notified pursuant to Section 8.08.030 of this chapter, to cut, destroy or remove such excessive growth of grass, weeds, brush or plant growth from his property or any growth on his respective curb, gutter or sidewalk within 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.

B. The director of the department of neighborhood services and code compliance shall send only two warning letters to the same property owner in any calendar year. If further violations of this chapter occur,

the condition causing a violation may be abated without notice.
(Ord. 1980 (part), 2006)

8.08.060 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 one hundred dollars (\$100.00) 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 shall state the following:

1. The amount of the fees due as of the date of the notice;
2. That if the owner fails to pay the fees due within thirty (30) days after billing, 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 records of the city of Salisbury and shall be collectible in the same manner as real estate taxes are collected;
3. The owner's right to appeal and method for appeal under Section 8.08.070 of this chapter.

B. If the full amount of any fees due to the city is not paid by the owner within thirty (30) 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 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.
(Ord. 1992 (part), 2006; Ord. 1980 (part), 2006)

8.08.070 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 twenty-one (21) 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 one hundred dollars (\$100.00).

B. The director of the department of neighborhood services and code compliance shall refer the appeal to the housing board of adjustments and appeals. The board shall meet monthly, or more frequently at the call of the chair, to hear appeals. The board shall notify the owner in writing of the time and place of the hearing.

C. When hearing appeals under this chapter, the board shall follow the procedures set forth in Chapter 15.24 of the Salisbury Municipal Code.
(Ord. 1980 (part), 2006)

Chapter 8.09

TREE AND PLANT GROWTH TRIMMING OR REMOVAL

Sections:

8.09.010 Trimming or removal of nuisance tree and plant growth.

8.09.020 Definition of nuisance tree or plant growth.

8.09.030 Letter of violation.

8.09.040 Action upon noncompliance with notice to comply.

8.09.050 Imminent danger.

8.09.060 Abatement by city.

8.09.070 Costs of removal to constitute lien on property--Interest--Collection.

8.09.090 Appeal.

8.09.010 Trimming or removal of nuisance tree or plant growth.

Every owner of an area, lot or parcel of land shall trim or otherwise remove or cause to be cut nuisance tree or plant growth or portions thereof, which constitutes a health hazard, fire hazard, safety or traffic hazard, or public nuisance to streets, sidewalks, street lighting or city utilities.

(Ord. No. 2147, 4-25-2011)

8.09.020 Definition of nuisance tree or plant growth.

All large, established trees not properly pruned to sufficient height to allow free passage for pedestrian and vehicular traffic, which shall be seven (7) feet over a sidewalk and fourteen (14) feet over a street or any dead wood, stubs, broken branches, badly formed branches, disease-infected and insect-infested branches, and branches interfering with public travel, lighting, existing buildings and traffic signs.

(Ord. No. 2147, 4-25-2011)

8.09.030 Letter of violation.

A. When a violation of Section 8.09.010 of this chapter occurs, a letter of violation shall be sent to the owner and occupant of 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 thirty (30) days of the date of the notice,
 - b. State that the department of neighborhood services and code compliance shall conduct a reinspection of the property after thirty (30) days have passed since the date of the notice;
4. State that the condition will be abated by the city if the violation remains uncorrected upon reinspection.

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 8.09.010 of this chapter, the owner shall be guilty of a municipal infraction, shall be fined one hundred dollars (\$100.00) for a first offense and one hundred dollars (\$100.00) for each day the condition remains unabated up to a maximum of five hundred dollars (\$500.00);
7. Service by one of the following methods:
 - a. By depositing the notice or order in the United States Post Office, first class postage prepaid, addressed to the owner at his last known address as recorded in the real estate assessment records of the city of Salisbury and 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.

(Ord. No. 2147, 4-25-2011)

8.09.040 Action upon noncompliance with notice to remove or trim nuisance tree or plant growth.

Upon failure, neglect or refusal of any property owner duly notified to trim and/or remove nuisance tree or plant growth from his property within the time specified in the notice provided for in Section 8.09.040 of this chapter, the owner shall be in violation of this chapter and shall be guilty of a municipal infraction in any court of competent jurisdiction, shall be fined one hundred dollars (\$100.00) for the initial offense and one hundred dollars (\$100.00) for each day that the offense remains unabated up to a maximum of five hundred dollars (\$500.00). Every such person may be guilty of a separate offense for every day such violation shall continue. (Ord. No. 2147, 4-25-2011)

8.09.050 Imminent danger.

In the event that the housing official or his designee determines that nuisance tree or plant growth is in danger of harming public property, public utilities or threatens the health safety or welfare of the public, the housing official shall cause to be removed the nuisance tree or plant growth immediately. (Ord. No. 2147, 4-25-2011)

8.09.060 Abatement by city.

A. In the event of failure, neglect or refusal of any owner duly notified pursuant to Section 8.09.010 of this chapter, to trim or remove such nuisance tree or plant growth from the property within 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.

- B. In the event that the housing official or his designee determines imminent danger pursuant to

Section 8.09.050, the housing official or his designee shall employ the necessary labor and materials to perform the required work as expeditiously as possible.
(Ord. No. 2147, 4-25-2011)

8.09.070 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 one hundred dollars (\$100.00) 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 shall state the following:

1. The amount of the fees due as of the date of the notice;
2. That if the owner fails to pay the fees due within thirty (30) days after billing, 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 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 thirty (30) 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.
(Ord. No. 2147, 4-25-2011)

8.09.080 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 twenty-one (21) 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 one hundred dollars (\$100.00).

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 Section 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 shall receive a full refund of the one hundred dollar (\$100.00) appeal application fee within thirty (30) days of the date of the decision of the board.
(Ord. No. 2147, 4-25-2011)

Chapter 8.10

DEAD OR DAMAGED TREES

Sections:

- 8.10.010 Trim or removal of dead or damaged trees.**
- 8.10.020 Determination of dead or damaged trees.**
- 8.10.030 Letter of violation.**
- 8.10.040 Action upon noncompliance with notice to remove dead or damaged trees.**
- 8.10.050 Imminent danger.**
- 8.10.060 Abatement by city.**
- 8.10.070 Costs of removal to constitute lien on property--Interest--Collection.**
- 8.10.080 Appeal.**

8.10.010 Trim or removal of dead or damaged trees.

Every owner of an area, lot or parcel of land shall trim or otherwise remove or cause to be cut dead, partially dead or damaged trees or portions thereof, which constitutes a health hazard, fire hazard, safety or traffic hazard, or public nuisance to streets, sidewalks or city utilities.

(Ord. No. 2121, 9-13-2010)

8.10.020 Determination of dead or damaged trees.

The determination of dead or damaged trees will be made by a certified roadside tree care expert.

(Ord. No. 2121, 9-13-2010)

8.10.030 Letter of violation.

A, When a violation of Section 8.10.010 of this chapter occurs, a letter of violation shall be sent to the owner and occupant of 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 thirty (30) days of the date of the notice;
 - b. State that the department of neighborhood services and code compliance shall conduct a reinspection of the property after thirty (30) days have passed since the date of the notice;
4. State that the condition will be abated by the city if the violation remains uncorrected upon reinspection.
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 8.10.010 of this chapter, the owner shall be guilty of a

municipal infraction [and] shall be fined one hundred dollars (\$100.00) for a first offense and one hundred dollars (\$100.00) for each day the condition remains unabated up to a maximum of five hundred dollars (\$500.00);

7. Service by one of the following methods:

- a. By depositing the notice or order in the United States Post Office, first class postage prepaid, addressed to the owner at his last known address as recorded in the real estate assessment records of the city of Salisbury and 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.

(Ord. No. 2121, 9-13-2010)

8.10.040 Action upon noncompliance with notice to remove or trim dead or damaged trees.

Upon failure, neglect or refusal of any property owner duly notified to trim and/or remove such dead tree, portion of a dead tree or damaged tree, from his property within the time specified in the notice provided for in Section 8.10.010 of this chapter, the owner shall be in violation of this chapter and shall be guilty of a municipal infraction in any court of competent jurisdiction, shall be fined one hundred dollars (\$100.00) for the initial offense and one hundred dollars (\$100.00) for each day that the offense remains unabated up to a maximum of five hundred dollars (\$500.00). Every such person may be guilty of a separate offense for every day such violation shall continue.

(Ord. No. 2121, 9-13-2010)

8.10.050 Imminent danger.

In the event that the housing official or the certified roadside tree expert determines that a damaged or dying tree is in danger of harming public property, public utilities or threatens the health, safety or welfare of the public, the housing official shall cause to be removed the damaged or dying tree immediately.

(Ord. No. 2121, 9-13-2010)

8.10.060 Abatement by city.

A. In the event of failure, neglect or refusal of any owner duly notified pursuant to Section 8.10.010 of this chapter, to trim or remove such dead tree, portion of a dead tree, or damaged tree from the property within 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.

(Ord. No. 2121, 9-13-2010)

8.10.070 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 one hundred dollars (\$100.00) 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 shall state the following:

1. The amount of the fees due as of the date of the notice;
2. That if the owner fails to pay the fees due within thirty (30) days after billing, 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 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 thirty (30) 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.
(Ord. No. 2121, 9-13-2010)

8.10.080 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 twenty-one (21) 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 one hundred dollars (\$100.00).

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 Section 15.24.360 of the Salisbury Municipal Code.
(Ord. No. 2121, 9-13-2010)

Chapter 8.11

THE FIRE PREVENTION CODE

Sections:

8.11.010 Adoption of the Fire Prevention Code.

8.11.020 Amendments to the State Fire Prevention Code.

8.11.030 Setbacks.

8.11.010 Adoption of the Fire Prevention Code.

The city of Salisbury adopts the State Fire Prevention Code as promulgated in the Annotated Code of Maryland, Public Safety Article, Section 6-206 and the related COMAR provisions:

COMAR 29.06.01 Fire Prevention Code

(Ord. 2047 (part), 2008)

(Ord. No. 2128, 12-13-2010)

8.11.020 Amendments to the State Fire Prevention Code.

A. The NFPA 101 Life Safety Code (2009 Edition) is incorporated by reference, and is adopted with state amendments with the exception of COMAR 20.06.04 - Fees for Fire Prevention Services.

B. The NFPA 1 Fire Code (2009 Edition) is incorporated by reference, and is adopted with state and local amendments. The local amendments are:

1. The Board of Appeals shall be the Building Board of Adjustments & Appeals.
2. Any person who fails to comply with the provisions of the Code or who fails to carry out an order made pursuant to this Code or violates any condition attached to a permit, approval, or certificate may be subject to a municipal infraction not to exceed \$500.00 each day the violation continues.
3. Failure to comply with the time limits of an abatement notice or other corrective notice issued by the authority having jurisdiction may result in municipal infractions not to exceed \$500.00 each day the violation/s continues and the jurisdiction shall have authority as provided by law to evacuate, vacate and order such building or structure to be closed to the public.
4. Amend Section 10.11 Open Flame, Candles, Open Fires and Incinerators, to read: Open burning is prohibited within the City.

C. The International Building Code (2009 Edition) is incorporated by reference, and is adopted with state and local amendments.

(Ord. 2047 (part), 2008)

(Ord. No. 2128, 12-13-2010)

8.11.030 Setbacks.

Outside above-ground unprotected flammable liquid storage tanks shall be separated from lot lines and public ways by a minimum of seventy-five (75) feet.

(Ord. 2047 (part), 2008)

Chapter 8.12

FIRE LANES

Sections:

8.12.020 Definitions.

8.12.030 Designation of fire lanes--Posting of signs.

8.12.040 Responsibility of property owner.

8.12.050 Obstruction of fire lanes prohibited.

8.12.020 Definitions.

For the purpose of this chapter, the terms hereinafter set forth shall be defined as follows:

"Emergency vehicle" means a vehicle so designated or authorized by the administrator of the State Motor Vehicle Administration.

"Fire lane" means a designated lane required to be permanently open for the ingress or egress of the fire department and other emergency vehicles only, in order that fires may be prevented or controlled and exitways are kept unobstructed for life safety.

(Prior code § 73-1)

8.12.030 Designation of fire lanes--Posting of signs.

A. When he deems it necessary, the fire chief shall designate fire lanes on public streets and on private property used for commercial, industrial or apartment projects for the purpose of preventing parking in front of or adjacent to fire hydrants or to provide access for fire-fighting equipment. He shall also designate fire lanes on private property used by the public in general for the purpose of preventing parking in front of or adjacent to fire hydrants or to provide access for fire-fighting equipment.

B. The fire chief shall cause the owner to post sufficient signs at all established fire lanes, the notice to read as follows: "No Parking: Fire Lane." Such sign(s) shall not be removed without written permission of the fire chief.

(Prior code § 73-2)

8.12.040 Responsibility of property owner.

The property owner is directed, wherever necessary, to secure compliance with the terms of this chapter and to furnish and erect appropriate signs as directed and to give appropriate warning or notice concerning unlawful obstruction as set forth herein and, if necessary in order to enforce compliance, to cause the removal by towing away or otherwise of any debris, vehicles or other objects which interfere with or obstruct previously established and marked fire lanes or fire hydrants for the access or operation of any fire department equipment or other emergency vehicles or equipment.

(Prior code § 73-3)

8.12.050 Obstruction of fire lanes prohibited.

It is unlawful for any person or for any property owner whose private property is used by the public in general to obstruct or interfere with or to allow the obstruction or interference with the operation of any emergency vehicle or equipment or to obstruct or to allow the obstruction of access by emergency equipment to any fire hydrant, to any fire department connection, to any designated fire lane on either public or private property or to park or to allow the parking within any fire lane.

(Prior code § 73-4)

GARBAGE, RUBBISH AND REFUSE

Sections:

- 8.16.010 Definitions.**
- 8.16.020 Service standards for residential properties.**
- 8.16.030 Service standards for nonresidential properties.**
- 8.16.040 Applicable regulations for private collection.**
- 8.16.050 Scavenging--Special collections of recyclable materials.**
- 8.16.060 Collection rules and regulations.**
- 8.16.070 Special sanitary provisions.**
- 8.16.080 Violations--Penalties.**
- 8.16.090 Monthly disposal fee.**
- 8.16.100 Recycling in the multi-family sector.**

8.16.010 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

"Ashes" means the solid residue of the combustion of solid fuels used in heating or cooking as occurring in households.

"Cartons" and "boxes" means containers of such size as to be difficult to dispose of in an approved container by virtue of size, shape or construction.

"Garbage" means the waste materials from normal household living conditions, including waste foodstuffs of vegetable or animal origin, paper products, fabrics, plastic and metal containers, bottles, crockery and other similar materials, free of hazard of explosion, conflagration or hazard to collection personnel.

"Refuse" means a combination of all of the items listed above to form a composite residential-type solid waste material.

"Rubbish" means garden, lawn and tree trimmings, leaves, bricks, masonry and metal or wooden objects which can be deposited in an approved container, as well as tree and shrubbery limbs securely bundled in lengths not exceeding four feet in length.
(Prior code § 81-1)

8.16.020 Service standards for residential properties.

- A. It shall be the responsibility of the department of public works to provide a weekly collection of residential refuse.
- B. Collection shall be rendered at the curb, roadside or alley abutting the residential property. Under no circumstances shall public works employees or agents enter private property to collect refuse, except as may be provided in this chapter.
- C. It shall be the responsibility of the department of public works to protect the property of residents from unnecessary damage or abuse resulting from any refuse collection activity. Claims for damage to premises or containers must be supported by reasonable evidence to receive consideration for replacement or

reimbursement.

D. The city may, at its option, provide bulk collection service where residences are concentrated in high-density situations. In these cases, the management, community association, condominium association or the like shall be officially notified of the details of the service to be rendered. It shall be the responsibility of the public works department to make agreements with the appropriate management organization for the placement of bulk containers on either public, private or common ownership property. The standard of service shall be sanitary, and containers shall be maintained in a nonoffensive manner.

E. Nothing in this chapter shall preclude the provision of contractual collection services as opposed to collection by municipal employees and equipment.

F. The city assumes no responsibility for collection of refuse and rubbish from nonresidential property. The term "nonresidential property" shall include mixed-use properties which contain residential and nonresidential uses within the same structure. Notwithstanding the above, the city may assume responsibility for collection of refuse and rubbish from nonresidential property located within the city that is used exclusively as a church or other bona fide charitable, religious, social welfare or recreational nonprofit organization, except medical waste generators, hospitals, noncity governmental property or organizations and schools, public or private. Such church or other bona fide nonprofit organization must provide substantial social services to the community. A church or such bona fide nonprofit organization must apply for collection to the department of public works, setting forth the name and address of the organization, the volume of trash estimated to be generated, the social services provided to the community and such other information as may be required by the department. The department will then determine whether the church or other bona fide nonprofit organization qualifies for collection. An appeal of the decision of the department may be made in writing to the city council. (Ord. 1736 § 1, 1999)

8.16.030 Service standards for nonresidential properties.

A. Nonresidential establishments not served by municipal collection shall provide appropriate containers for private collection.

B. All nonresidential establishments shall have all refuse and nonresidential-type waste materials removed from their premises no fewer than one time per week.
(Prior code § 81-3)

8.16.040 Applicable regulations for private collection.

Private individuals or firms engaged in the business of refuse collection in the city of Salisbury or who may use the streets of Salisbury for the transport of these materials shall be subject to all federal, state or local laws, ordinances, codes or regulations applicable to the operation and maintenance of motor vehicles, including air and noise pollution.
(Prior code § 81-4)

8.16.050 Scavenging--Special collections of recyclable materials.

It is unlawful for anyone to disturb any refuse containers or to remove their covers or any contents

thereof, except the occupants of the premises on which the containers are placed or their duly authorized agents or the duly authorized employees or agents of the city of Salisbury.
(Ord. 1874, 2003; prior code § 81-5)

8.16.060 Collection rules and regulations.

All refuse must be stored and offered for collection in an approved container unless exempted herein. The regulations are as follows:

- A. Approved refuse containers shall be watertight cans made of metal or heavy-duty rubberized or plastic material, with handles and tight-fitting covers. Cans shall not exceed twenty (20) gallons' capacity, and not more than six cans will be permitted for each residence.
- B. Plastic bags with a capacity of thirty (30) gallons or less and maintaining complete closed integrity may be used for all refuse. However, it shall be the property owner's responsibility to maintain these bags until they are collected by city collection crews.
- C. Receptacles for the keeping and collection of ashes shall be made of metal and of the same size and description as refuse receptacles; however, when twenty-gallon containers are used for ashes, they shall not be filled more than one-half full. Ashes shall not be offered for collection until they have cooled sufficiently to avoid a danger of fire in the body of the collection vehicle.
- D. Residents that have been supplied automated collection containers (ninety-five-gallon capacity normal or sixty-five-gallon capacity by special request) must use those containers for all refuse except as specified below. Containers must be placed at the curb or as otherwise directed, with the handle away from and parallel to traffic. Printed instructions on the container shall be followed.
- E. Items too bulky for placement in an approved container may be offered for collection on a weekly basis and on a schedule as set by the department of public works. Tree and shrubbery limbs, as well as other wooden rubbish, will be collected, provided that they are cut into lengths not exceeding four (4) feet and securely tied in bundles not exceeding forty (40) pounds in weight. Nonbundled yard debris shall be contained in approved plastic bags as provided for in subsection (B) of this section.
- F. All receptacles and lids shall be maintained in a clean and sanitary condition. They shall not be set out for collection containing free liquids or rainwater. They shall be kept free of dead animals, vermin, lice, maggots or the like and unreasonably offensive odors resulting from the lack of cleanliness, animal feces or items which may be infectious or disease-bearing. Receptacles which have become excessively worn or corroded shall be promptly replaced.
- G. Receptacles/containers shall be placed at the curb or roadside or alley by six a.m. on the scheduled day of collection but shall not be so placed prior to five p.m. on the day before collection, and empty receptacles/containers shall be removed to the premises from the curb, roadside or alley by eleven p.m. of the day of collection. Receptacles/containers shall not be kept at the curb or roadside between scheduled collections, and they shall be stored on the premises at

such locations to be unseen from the public streets or roads or from the front yards of immediate neighboring property.

- H. The number of garbage receptacles collected from any dwelling unit shall not generally exceed six twenty-gallon containers per pickup. During leaf season, more leaf containers may be placed for collection.
- I. Where collection service is provided in high-density dwelling areas, the individual residents or the management, community or condominium organization shall be responsible for the transporting of refuse to the containers provided and for the maintenance and cleanliness of the areas adjacent to the containers. The developer, property owner or legally responsible management organization shall further be responsible for provision of accessible space for bulk containers, paved and screened from public view. Such provisions shall be approved by the city. Material acceptable for containerized collection service shall, in all respects, be compatible with the definitions for refuse as defined in this chapter.
- J. It is unlawful and a violation of this chapter for any person, firm or corporation to place residential or nonresidential waste, including but not limited to garbage, refuse and rubbish, on the property of another without the consent of the owner of the property.

(Prior code § 81-6)

8.16.070 Special sanitary provisions.

The removal of apparel, bedding, furniture or other refuse from any premises where infectious or contagious disease prevails or has prevailed shall be specially arranged and performed under the direction of the responsible local health authority. Such removals shall be arranged for and be the responsibility of the attending physician and/or local health authority.

(Prior code § 81-7)

8.16.080 Violations--Penalties.

- A. Any property owner, tenant or other person violating any of the provisions of this chapter, shall be guilty of a municipal infraction punishable by a fine of twenty-five dollars (\$25.00).
- B. With respect to violations of Section 8.16.060(G), the following procedure will apply:
 - 1. For an initial violation, a dated adhesive notice will be posted on the receptacle and written notice shall be sent to the property owner and/or property owner's agent.
 - 2. For a second violation, written notice will be sent to the property owner and/or property owner's agent and a copy of said notice will be posted in a conspicuous place on the property/dwelling unit.
 - 3. For a third violation, a twenty-five dollar (\$25.00) citation for a municipal infraction shall be issued to the occupant(s) of the property/dwelling unit and a written notice will be mailed to the property owner and/or property owner's agent. In buildings containing more than one dwelling

unit, a twenty-five dollar (\$25.00) citation for a municipal infraction will be issued to the property owner as a common area trash violation unless each dwelling unit has a separate trash receptacle/container and each trash receptacle/container is marked to identify an assigned dwelling unit.

4. For a fourth and any subsequent violation, the city of Salisbury is authorized to remove the trash receptacle/container from the property. A service charge of twenty-five dollars (\$25.00) shall be paid in advance for return of the trash receptacle/container. Written notice will be sent to the property owner and/or property owner's agent.
5. With respect to any property, if six months have elapsed since the last date of an enforcement procedure, then the enforcement procedure shall begin with subsection (B)(1) of this section.
6. When requested by city enforcement personnel, property owners shall provide names of occupant(s).
7. Occupant(s) will be jointly and severally liable for payment of a citation for municipal infraction.

C. Citations under this chapter shall be deemed municipal infractions under Chapter 1.16, and fines levied hereunder shall be payable to the city of Salisbury and mailed to the department of finance within ten days of receipt of the citation.

(Ord. 1707, 1999)

8.16.090 Monthly disposal fee.

A. Each residential unit (including churches and bona fide charities) to which city garbage collection services are provided shall be charged a disposal fee in an amount established annually in the city budget ordinance. The disposal fee will be billed quarterly and made a part of the city water and sewer bill. A five-percent penalty will be added after forty-five (45) days if the fee is unpaid. No residential unit within the city of Salisbury shall be permitted to refuse city garbage collection services, and the failure to utilize such services shall not exempt any residential unit from payment of the fees described herein. A "residential unit" shall consist of:

1. A single-family dwelling;
2. Each separate dwelling unit contained within a multiple-family building;
3. Each rooming or boarding house, capable of occupancy by five or more residents, regardless of the number of individual rooms contained therein, and provided that no room shall contain an independent cooking area, shall be counted as two residential units.

B. The owner of each residential unit shall purchase a city-approved trash collection receptacle.

C. If the department of public works determines that a residential unit regularly produces trash requiring two or more trash collection receptacles, then the owner of the residential unit shall be required to purchase and use additional trash collection receptacles.

D. A multi-family residential building with a central trash collection area utilizing trash collection receptacles larger than one hundred (100) gallons may be approved by the department of public works for exclusion from the requirements of subsection A.

E. The owner of a residential unit who violates the provisions of this section shall be guilty of a municipal infraction and shall receive a written notice of the initial violation. If the owner of a residential dwelling unit does not comply within seven days of written notice, the owner shall be subject to a municipal infraction and fine as set forth in Chapter 1.16.
(Ord. 2025 § 1, 2007: prior code § 81-9)

8.16.100 Recycling in the multi-family sector.

A. The city council finds that undertaking a long term commitment to remove and recycle certain materials from the solid waste stream is a necessary part of the city's integrated solid waste management system of recycling, resource recovery and land filling. The city council also finds that the objectives of the comprehensive solid waste management plan adopted under state law will be promoted by establishing a recycling program.

B. The term "multi-family sector" includes all residential dwelling units intended for multiple-family use, including, but not limited to, apartments, condominiums and other ownership arrangements physically located in buildings joined together or situated in groups or clusters.

C. The term "managing authority" shall include a landlord, property manager, condominium association board of directors, or any other person in charge of property located in the multi-family sector.

D. The term "recycling coordinator" shall be the title of such individual from time to time designated by the director of public works of the city of Salisbury to organize, coordinate and publicize the collection of recyclable materials.

E. The term "recyclable materials" shall consist of such paper, metal, glass and plastic products as shall be designated suitable for recycling by the recycling coordinator.

F. The managing authority of any residential dwelling unit located in the multi-family sector shall allow its residents to participate in the city's recycling program. The managing authority shall provide to each unit a container constituting no less than three cubic feet in volume. Alternatively, the managing authority shall provide at a centralized location such number of similar containers as directed by the recycling coordinator.

G. The city shall collect the recyclable materials in the multi-family sector where it is also making regular garbage collections. In the event that a private contractor serves a specific location, it will be the obligation of the location's managing authority to provide recycling services to include the containers and to pick up the recyclable materials. Each such managing authority shall keep records of the recyclable materials collected and provide same to the recycling coordinator on a monthly basis.

H. A managing authority or a private hauling contractor who shall violate subsections (F) or (G) of this section shall be guilty of a municipal infraction and shall receive a written notice for any single initial

violation. Compliance must be within seven days of written notice and failure to comply will result in a fine one hundred dollars (\$100.00) for the first day and thereafter fifty dollars (\$50.00) per day for a continuing violation.

(Ord. 1874, 2003)

Chapter 8.20

NOISE*

Sections:

8.20.010 Unreasonably loud noises prohibited.

8.20.020 Prohibited noises enumerated.

8.20.030 Definitions.

8.20.040 Registration statement required for noncommercial use.

8.20.050 Form and contents of registration statement.

8.20.060 Time limit for amending registration statement after filing.

8.20.070 Regulations for noncommercial use.

8.20.080 License required for commercial use.

8.20.090 Application for license--Contents.

8.20.100 Possession and display of license.

8.20.110 Issuance of license.

8.20.120 Noncommercial regulations applicable to commercial use.

8.20.130 Violation.

* Prior code history: Prior code §§ 102-1--102-11.

8.20.010 Unreasonably loud noises prohibited.

A. It shall be unlawful for any person to make, continue or cause to be made or continued any unreasonably loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the corporate limits of the city of Salisbury.

B. It shall be unlawful for any person to knowingly permit the making, creation or maintenance of unreasonably loud noises upon any premises owned or possessed by him or under his control.

(Ord. 1913 (part), 2004)

8.20.020 Prohibited noises enumerated.

The following acts, among others, are hereby declared to be unreasonably loud noises, in violation of this chapter:

A. Horns, Signaling Devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or other public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

B. Radios, Phonographs, etc.

1. The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto; the operation of any such set, instrument, phonograph, machine or device between the hours of eleven p.m. and seven a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation.
 2. The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound on any street or other public ways in such a manner as is unreasonably loud so as to disturb the peace, quiet and comfort of other persons or at a louder volume than is necessary for convenient hearing of the individual carrying the instrument, machine or device, or those individuals immediately adjacent thereto and who are voluntary listeners thereto.
- C. Loudspeakers or Amplifiers for Advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure, except as provided in Sections 8.20.030 through 8.20.120 of this chapter.
- D. Yelling, Shouting, etc.
1. Yelling, shouting, hooting, whistling or singing on the public streets or public areas, or from private property in such a manner as to be plainly audible at a distance of fifty (50) feet from the public street, public area, or private property from which the noise emanates, between the hours of eleven p.m. and seven a.m.
 2. Yelling, shouting, hooting, whistling or singing on the public streets or public areas or from private property, between the hours of eleven p.m. and seven a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence or of any persons in the vicinity, after having been warned to quiet or cease such noisemaking.
- E. Animals or Birds. The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort or repose of any persons in the vicinity.
- F. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

G. Motor Vehicles.

1. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
2. The making of frequent, repetitive sounds from engines or motor vehicles between the hours of six p.m. and seven a.m. so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence or of any persons in the vicinity after having been warned to quiet or cease such noise making.

H. Loading or Unloading Operations; Opening of Boxes.

1. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
2. The loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers on any commercial property located within one hundred (100) yards of a residential structure between the hours of eleven p.m. and seven a.m.

I. Construction or Repairing of Buildings. The erection (including excavation), demolition, alteration or repair of any building other than between the hours of seven a.m. and six p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the department of neighborhood services and code compliance which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the department of neighborhood services and code compliance should determine that the public health and safety will not be impaired by the erection, excavation, demolition, alteration or repair of any building within the hours of six p.m. and seven a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of six p.m. and seven a.m., upon application being made at the time that the permit for work is awarded or during the progress of the work.

J. Schools, Courts, Churches or Hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use or adjacent to any hospital which unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

K. Blowers. The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids between the hours of eleven p.m. and seven a.m., unless the noise from such blower or fan is muffled, and such engine is equipped with a muffler device sufficient to deaden such noise.

L. Trash Collection. The collection of trash from commercial property, excluding an apartment complex, located within one hundred (100) yards of a residential structure between eleven p.m.

and seven a.m.

(Ord. 1971 (part), 2005; Ord. 1967 § 1, 2005; Ord. 1913 (part), 2004)

8.20.030 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Sound-amplifying equipment" means any machine or device for the amplification of the human voice, music or any other sound and shall not be construed to include standard automobile radios when used and heard only by occupants of the vehicle in which installed or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

"Sound truck" means any motor vehicle or horse-drawn vehicle having mounted thereon or attached thereto any sound-amplifying equipment.

(Ord. 1913 (part), 2004)

8.20.040 Registration statement required for noncommercial use.

No person shall use or cause to be used a sound truck with its sound-amplifying equipment in operation for noncommercial purposes in the city without filing a registration statement in writing with the city clerk.

(Ord. 1913 (part), 2004)

8.20.050 Form and contents of registration statement.

A. A registration statement, as referred to in Section 8.20.040 of this chapter, shall be filed in duplicate and shall state the following:

1. The name and home address of the applicant;
2. The address of place of business of the applicant;
3. The license number and motor number of the sound truck to be used by the applicant;
4. The name and address of the person who owns the sound truck;
5. The name and address of the person having direct charge of the sound truck;
6. The names and addresses of all persons who will use or operate the sound truck;
7. The purpose for which the sound truck will be used;
8. A general statement as to the section of the city in which the sound truck will be used;
9. The proposed hours of operation of the sound truck;

10. The number of days of proposed operation of the sound truck;
 11. A general description of the sound-amplifying equipment which is to be used;
 12. The maximum sound-producing power of the sound-amplifying equipment to be used in or on the sound truck.
- B. The registration statement shall include the following:
1. The wattage to be used;
 2. The volume in decibels of the sound which will be produced;
 3. The approximate maximum distance for which sound will be thrown from the sound truck.
- (Ord. 1913 (part), 2004)

8.20.060 Time limit for amending registration statement after filing.

All persons using, or causing to be used, sound trucks for noncommercial purposes, shall amend any registration statement filed pursuant to Section 8.20.040 of this chapter within forty-eight (48) hours after any change in the information therein furnished.
(Ord. 1913 (part), 2004)

8.20.070 Regulations for noncommercial use.

Noncommercial use of sound trucks in the city with sound-amplifying equipment in operation shall be subject to the following regulations:

- A. The only sounds permitted are music or human speech.
- B. Operations are permitted for four hours each day, except on Sundays and legal holidays when no operations shall be authorized. The permitted four hours of operation shall be between the hours of eleven-thirty a.m. and one-thirty p.m. and between the hours of four-thirty p.m. and six-thirty p.m.
- C. Sound-amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten miles per hour except when such truck is stopped or impeded by traffic. When stopped by traffic, the sound-amplifying equipment shall not be operated for longer than one minute at each such stop.
- D. Sound shall not be issued within one hundred (100) yards of hospitals, schools, churches or courthouses.
- E. The human speech and music amplified shall not be profane, lewd, indecent or slanderous.
- F. The volume of sound shall be controlled so that it will not be audible for a distance in excess of

one hundred (100) feet from the sound truck and so that such volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.

G. No sound-amplifying equipment shall be operated with an excess of fifteen (15) watts of power in the last stage of amplification.

(Ord. 1913 (part), 2004)

8.20.080 License required for commercial use.

No person shall operate, or cause to be operated, any sound truck in the city for commercial advertising purposes with sound-amplifying equipment in operation unless a license therefor has been obtained from the city clerk. The fee for such license shall be one dollar (\$1.00).

(Ord. 1913 (part), 2004)

8.20.090 Application for license--Contents.

A person applying for a license, as required under Section 8.20.080 of this chapter, shall file with the city clerk an application in writing giving in such application the information required in the registration statement under Section 8.20.050 of this chapter.

(Ord. 1913 (part), 2004)

8.20.100 Possession and display of license.

A licensee under this chapter shall keep his license in his possession in the sound truck during the time the sound truck's sound-amplifying equipment is in operation. Such license shall be promptly displayed and shown to any policeman of the city upon request.

(Ord. 1913 (part), 2004)

8.20.110 Issuance of license.

The city clerk shall issue a license, as required under Section 8.20.080 of this chapter, upon payment of the required license fee unless the application required in Section 8.20.090 indicates that the applicant would be in violation of the regulations prescribed in Section 8.20.120 or some other provision of this chapter or other ordinance of the city.

(Ord. 1913 (part), 2004)

8.20.120 Noncommercial regulations applicable to commercial use.

No person shall operate, or cause to be operated, any sound truck for commercial sound-advertising purposes in violation of the regulations set forth in Section 8.20.070 of this chapter.

(Ord. 1913 (part), 2004)

8.20.130 Violation.

Any violation of this chapter shall be punishable as a misdemeanor.

(Ord. 2036, 2007: Ord. 1990, 2006: Ord. 1967 § 2, 2005)

Chapter 8.24

NUISANCES*

* **Editors Note:** Ordinance No. 2102, passed April 26, 2010, amended Ch. 8.24 in its entirety to read as herein set out. Former Ch. 8.24 pertained to the same subject matter and derived from prior code §§ 104-1--104-3.

Sections:

8.24.010 Investigation of nuisance complaint--Notice to abate.

8.24.020 Noncompliance with notice to abate.

8.24.010 Investigation of nuisance complaint--Notice to abate.

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, 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 and Inspections, Neighborhood Services and 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 and Inspections, Neighborhood Services and 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 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 Wicomico County Health Department and/or the Departments of Neighborhood Services and Code Compliance, Building Permitting and Inspections, or the Salisbury Police Department. (Ord. No. 2102, 4-26-2010)

8.24.020 Noncompliance with notice to abate.

Any person on whom a notice has been served in accordance with Section 8.24.010 who refuses or neglects to comply with any of the requirements thereof within the time specified in such notice shall be guilty of a misdemeanor. Every day that such nuisance shall be permitted to exist after the expiration of the time

limited in such notice shall be deemed a separate and additional offense.
(Ord. No. 2102, 4-26-2010)

Chapter 8.28

ABANDONED REFRIGERATORS

Sections:

8.28.010 Abandoned refrigerators prohibited--Violations and penalties.

8.28.020 Enforcement.

8.28.010 Abandoned refrigerators prohibited--Violations and penalties.

A. Within the city, it is unlawful for any person to keep in his possession, under his control or on any premises owned or occupied by him any unused or abandoned icebox or similar appliance or enclosure which is substantially airtight when closed and which has an opening large enough to admit the body of any living person or child, unless one of the following conditions is met:

1. The door, lid or other closing device thereof is removed therefrom and rendered incapable of being closed;
2. Effective means are provided so that the door, lid or other closing device thereof can be easily opened from the inside by a child;
3. Such icebox is kept locked or in securely locked quarters or in quarters where an adult attendant or salesman is present at all times so that children and other persons do not have unsupervised access thereto.

B. Any person violating the provisions of this chapter after receiving the notice provided for in Section 8.28.020 shall be deemed guilty of a misdemeanor and, upon conviction, may be imprisoned for not more than thirty (30) days in jail or fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), or both. It shall be no defense to prosecution under this chapter that the icebox or other similar appliance or enclosure was dumped or abandoned by a person unknown on premises owned by or controlled by the person prosecuted and without his consent.

(Prior code § 125-1)

8.28.020 Enforcement.

From and after the effective date of this chapter, the director of the department of neighborhood services and code compliance shall issue notice directing compliance with Section 8.28.010 of this chapter within twelve (12) hours after discovery by him of the existence or maintenance of each icebox or other similar appliance or enclosure as referred to in Section 8.28.010. If any such notice shall not be complied within twenty-four (24) hours, it shall be the duty of the chief of police to enter the premises and render harmless the icebox or other similar appliance or enclosure by any one of the three means specified in Section 8.28.010. The selection of such means shall be in the sole discretion of the chief of police, and the execution thereof shall be at the expense of the person failing to comply with such notice.

(Ord. 1971 (part), 2005: prior code § 125-2)

Chapter 8.32

SMOKING

Sections:

8.32.010 Definitions.

8.32.020 Smoking prohibited in certain areas.

8.32.030 Exceptions.

8.32.040 Designation of smoking areas.

8.32.050 Violations--Penalties.

8.32.060 Effect on fire and health regulations.

8.32.070 Regulations for posting no-smoking signs.

8.32.010 Definitions.

In this chapter, the following words shall have the meanings indicated:

"City" means the city of Salisbury, Maryland.

"Common use space" means the lobby, lounge, maintenance, telephone and storage areas of the government office building.

"County/city combined use space" means the planning and zoning office, council chambers, conference rooms and central reproduction.

"Government office building" means that building known as the "government office building," located at East Church Street and North Division Street in the city.

"Leased building" means any building leased exclusively to the city and those portions of any building that are exclusively leased to the city.

"Smoking" or "to smoke" means the act of smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind or lighting a cigar, cigarette or pipe of any kind.
(Prior code § 133-1)

8.32.020 Smoking prohibited in certain areas.

Except as provided in Section 8.32.030 of this chapter, it is unlawful for any person to smoke in any of the following areas:

- A. In any city-owned building;
- B. In any city-leased building;
- C. In all common areas, meeting rooms, lunchrooms, and all city-occupied office areas in the government office building;

D. In all city-owned or operated vehicles; and

E. In the fenced perimeters of the city zoo and Ben's Red Swings playground.
(Ord. 1921, 2004; Ord. 1785, 2001)

8.32.030 Exceptions.

The prohibitions contained in Section 8.32.020 shall not apply in the following:

A. Designated smoking areas;

B. In any city-owned building which is leased to another party.
(Prior code § 133-3)

8.32.040 Designation of smoking areas.

The mayor may designate a separate room or area in which smoking is permitted in a city-owned building, city-leased building or the government office building provided that any area so designated must meet the requirements for the designation of smoking areas set forth in the Code of Maryland Administrative Regulations (COMAR). No common use space or county/city combined use space in the government office building may be designated as a smoking area without approval of the county.
(Ord. 1785, 2001)

8.32.050 Violations--Penalties.

A person who violates a provision of this chapter is guilty of a misdemeanor and, on conviction thereof, is subject to a fine not exceeding one hundred dollars (\$100.00) and costs for each violation.
(Prior code § 133-5)

8.32.060 Effect on fire and health regulations.

Nothing in this chapter shall be deemed to repeal applicable fire or health regulations.
(Prior code § 133-6)

8.32.070 Regulations for posting no-smoking signs.

The department of building, permitting and inspections shall establish rules and regulations relating to the posting of no-smoking signs to be applicable to the city-owned and leased buildings.
(Ord. 1971 (part), 2005; prior code § 133-7)