

AS AMENDED ON MAY 14, 2018  
ORDINANCE NO. 2480

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND THE SALISBURY MUNICIPAL CODE CHAPTER 15.24, ARTICLE XXVI - ACCUMULATION OF RUBBISH PROHIBITED, TO ENABLE THE CITY OF SALISBURY TO PERFORM ABATEMENT WITHOUT NOTICE AFTER BEGINNING WITH THE THIRD RUBBISH VIOLATIONS ABATEMENT.

WHEREAS, the Mayor and City Council have requested that the Housing and Community Development Department periodically review Chapter 15.24; and

WHEREAS, the ongoing application, administration and enforcement of Chapter 15.24, demonstrates a need for its periodic review, evaluation and amendment to keep the chapter current; and

WHEREAS, rubbish violations are one of the most common code violations and creating stricter enforcement measures will assist in reducing these violations overall; and

WHEREAS, this amendment will allow the rubbish violations to mirror other code violations in Chapter 15.24.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY OF SALISBURY, MARYLAND, THAT Chapter 15.24 of the Salisbury Municipal Code be amended as follows:

ARTICLE XXVI – ACCUMULATION OF RUBBISH PROHIBITED

**15.24.1320 – General.**

No person shall allow rubbish to remain, to be deposited or to accumulate, either temporarily or permanently, on his property. This section shall not apply to those persons who store such rubbish in a lawfully permitted manner for the purpose of collection pursuant to Chapter 8.16 of this code.

**15.24.1330 – Notice to remove rubbish.**

When a violation of Section 15.24.1320 of this chapter occurs, a warning letter of violation shall be sent to the owner of the property. This warning letter of violation shall:

- A. Be in writing.
- B. State the nature of the violation and describe the conditions that constitute a violation.

- C. Describe the property where the violation is alleged to exist.
- D. State that the condition must be removed from the property within ten days after the date of the notice.
- E. State that the Housing and Community Development Department shall conduct a re-inspection of the property after ten days have passed since the date of notice.
- F. State that, if during the inspection of the property, the violation complained of in the warning letter is found, it shall be abated by the city as soon as practicable, and the cost of such abatement shall be specially assessed, shall be deemed a personal debt of the owner and constitute a lien against the property.
- G. State that upon violation of Section 15.24.1320 of this chapter, the owner shall be guilty of a municipal infraction, and upon conviction shall be fined one hundred dollars (\$100.00) for the initial offense and one hundred dollars (\$100.00) for each day the condition remains unabated up to a maximum of five hundred dollars (\$500.00).
- H. Be served by one of the following methods:
  1. 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, or
  2. By hand-delivering the notice to the person to be notified, or
  3. 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 a resident of the property or employed therein.
- I. State that only two warning letters will be issued to the same property owner in any calendar year and after two abatement actions, including any citations, by the Housing and Community Development Department for rubbish violations in any calendar year for the same property, that if further rubbish violations occur, the condition causing a violation may be abated without further notice.

#### **15.24.1340 – Removal of rubbish by city.**

Upon failure, neglect or refusal of any owner so notified to remove or properly dispose of such rubbish within the time specified in the notice provided for in Section 15.24.1330 of this chapter:

- A. 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 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 shall be guilty of a separate offense for every day

such violation shall continue;

- B. The housing official may cause the condition to be abated by appropriate means. The Housing and Community Development Department shall send ~~only two~~ warning letters to the property owner ~~before the first two abatement actions, including any citations, in any calendar year for rubbish violations.~~ If further violations of this chapter occur, the condition causing a violation may be abated without additional notice.

**15.24.1350 - Charges for removal and collection.**

When the housing official has caused the removal of rubbish as described within Article XXVI, either by its own employees or by paying its agents or contractors to do so, the actual costs thereof and any related expenses along with an administrative fee, as set by separate ordinance, shall be charged to the owner of such property and if not paid within thirty (30) calendar days after billing will be carried on the records of the city of Salisbury and shall be collectible in the same manner in which real estate taxes are collected.

THIS ORDINANCE shall take effect immediately upon adoption.


THIS ORDINANCE was introduced and read at a meeting of the City Council held on the 9<sup>th</sup> day of April, 2018 and duly passed at a meeting of the Council of the City of Salisbury, Maryland held on the 14<sup>th</sup> day of May, 2018 and is to become effective as of May 14, 2018.

**ATTEST:**

  
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Kimberly R. Nichols, City Clerk

  
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Muir Boda, Vice-President  
Salisbury City Council

APPROVED BY ME THIS 22<sup>nd</sup> day of MAY, 2018.

  
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Jacob R. Day, Mayor



City of  
**Salisbury**  
Jacob R. Day, Mayor

**To:** Andy Kitzrow  
**From:** Everett Howard  
**Date:** May 8, 2018  
**Re:** Accumulation of Rubbish Prohibited

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Attached you will find an ordinance amending *Chapter 15.24 of the Property Maintenance Code, Article XXVI – Accumulation of Rubbish Prohibited*.

This ordinance has been revised since the 1<sup>st</sup> reading before the council. The revisions take into account voluntary compliance with warning letters within the stated timeframes prior to abatement actions by the City.

However after failure to comply to warning letters that result in two separate incidents of abatement actions or citations within a calendar year by the City, then further violations will be abated without notice.

Also the time period for all warning letters is constant at ten days which is different from the original revision proposal that reduced the time frame to seven days for second and subsequent letters.

Unless you, admin, or the mayor has any questions please forward this information to the city council for review and consideration.