

AS AMENDED ON JULY 8, 2019
ORDINANCE NO. 2546

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND THE SALISBURY MUNICIPAL CODE BY ADDING A NEW SECTION, CHAPTER 5.68 CONCERNING HOTEL LICENSING AND INSPECTION.

WHEREAS, the Mayor and City Council recently established the position of Fire Marshal within the City of Salisbury Fire Department; and

WHEREAS, there does not currently exist a provision in the City Code in connection with ensuring that hotel establishments within the City are inspected and comply with the City of Salisbury's applicable fire safety codes in order to protect the public's health and safety; and

WHEREAS, establishing such licensing and inspection provisions for hotel establishments within the City would protect the public that utilize hotels within the City.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY OF SALISBURY, MARYLAND, THAT Title 5-Business Licenses and Regulations of the Salisbury Municipal Code be amended by adding Chapter 5.68-HOTELS to read as follows:

Chapter 5.68-HOTELS

5.68.010 – Definitions.

As used in this chapter, the following words and terms shall have the following meanings, unless another meaning is plainly intended:

“City” means the City of Salisbury, Maryland.

“Hotel” means a building or groups of buildings under the same management in which there are sleeping accommodations and primarily used by transients for lodging with or without meals. The term hotel, shall include a hotel, an inn, a club, a motel, a bed and breakfast, or any other structure meeting the definition of hotel regardless of the name of the entity or institution used.

“Person” means an individual or group of individuals, corporation, partnership, association, or any other entity.

5.68.020 – License required.

Any person desiring to locate, operate, or construct a hotel within the corporate limits of the City shall be required to first obtain a license from the Business Development Department. A person that currently operates a hotel shall apply for a license on or before each ~~thirty (30) days~~ November 30th after ~~the date that~~ this Ordinance takes effect. The licenses issued pursuant to this

chapter each shall be valid for the period from January 1st through December 31st of each year thereafter.

5.68.030 – Application for license-Contents.

A. An application for a hotel license pursuant to this chapter shall be made in writing and signed on a form supplied by the Business Development Department. The applicant shall in the application agree to conform to all provisions of this chapter and other ordinances and other applicable codes within the City governing hotels; and

B. Every person, subject to the provisions of this section, shall upon application for an annual license, submit proof of an inspection and approval conducted by the City Fire Marshal to ensure compliance with the City's fire prevention code.

5.68.040 – Conditions for a hotel license.

A license provided under this chapter shall not be issued to a person for the construction, location or operation of a hotel unless the person and hotel location is in compliance with all applicable City laws and regulations, including payment of all City real property and personal property taxes.

5.68.050 – Operation of a hotel without a valid license.

A. Misdemeanor- A person who operates a hotel without a valid hotel license required under this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not less than \$200.00 nor more than \$500.00 for each offense, or imprisonment for not more than ninety (90) days, or both. The party aggrieved shall have the right of appeal as is provided under the general laws of the State. Where the act or omission is of a continuing nature, conviction for the one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

B. Municipal infraction- A person, who operates a hotel without a valid hotel license or otherwise violates any provision of this chapter, shall be guilty of a municipal infraction and shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each offense. Each day a violation continues shall be considered a separate offense. The City Fire Marshal is authorized and designated by Council to authorize the persons within his department to act as enforcement officers for the purpose of preparing and carrying out the requirements for issuing and serving municipal infractions.

C. Nothing herein contained shall prevent the City of Salisbury, Maryland from taking such other lawful action as is necessary to prevent or remedy any violation of the provisions of this chapter.

5.68.060- License fee.

A license fee of fifty dollars (\$50.00) shall be charged and collected at the time of application for each hotel license applied for issued pursuant to this chapter. New licensing fees shall be set by Resolution or as part of the annual approved yearly City budget.

5.68.070 – Nonrefundable fee.

License fees shall be non-refundable and non-transferable.

5.68.080 – Expiration of license.

Hotel licenses issued pursuant to this chapter shall expire on the 31st day of December following the date of issuance.

Underlined language shows language added to the Code

THIS ORDINANCE was introduced and read at a meeting of the City Council held on 10th day of June 2019 and duly passed at a meeting of the Council of the City of Salisbury, Maryland held on the 8th day of July 2019, and is to become effective immediately upon passage.

ATTEST:

Kimberly R. Nichols
Kimberly R. Nichols, City Clerk

John R. Heath
John R. Heath, President
Salisbury City Council

APPROVED BY ME THIS 9th day of JULY 2019.

Jacob R. Day
Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

MEMORANDUM

To: Julia Glanz,
From: John W. Tull, Fire Chief
Subject: Hotel Licensing Ordinance
Date: May 29, 2019

Attached you will find a proposed ordinance that will authorize the City to amend the Salisbury Municipal Code by adding a new section – Chapter 5.68 concerning Hotel Licensing and Inspection. There does not currently exist a provision in the City Code in connection with ensuring that hotel establishments within the City are inspected and comply with the City of Salisbury’s applicable fire safety codes in order to protect the public’s health and safety.

If you should have any questions or comments, please do not hesitate to contact me.