

AS AMENDED ON SEPTEMBER 13, 2021
ORDINANCE No. 2676

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 5.28 OF THE SALISBURY CITY CODE, ENTITLED "FORTUNE-TELLING", BY DELETING CHAPTER 5.28 IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 5.28.

RECITALS

WHEREAS, the ongoing application, administration and enforcement of the City of Salisbury Municipal Code demonstrates the need for periodic review, evaluation and amendment; and

WHEREAS, the City of Salisbury desires to amend Chapter 5.28 to update the requirements and process by which fortune-telling is permitted.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 1. Chapter 5.28 of the Salisbury City Code, entitled "Fortune-Telling", be and is hereby repealed in its entirety and is replaced with the bolded and underlined language as follows:

Chapter 5.28 - FORTUNE-TELLING

5.28.010 - Definitions.

For the purpose of this chapter, the following terms shall have the meanings indicated:

"Fortune-telling" means the telling of fortunes, forecasting of futures, or reading the past, by means of any occult, psychic power, faculty, force, clairvoyance, cartomancy, psychometry, phrenology, spirits, tea leaves, tarot cards, scrying, coins, sticks, dice, sand, coffee grounds, crystal gazing or other such reading, or through mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mindreading, telepathy or other craft, art, science, talisman, charm, potion, magnetism, magnetized article or substance, or by any such similar thing or act for pay or compensation.

5.28.020 - License required.

Any person desiring to operate or conduct a fortune-telling business within the corporate limits of the City shall be required to first obtain a license under this chapter from the Department of Business Development. One license issued under this chapter will be required in the case of a corporation, firm, partnership or association, which shall hold the person who procures the license responsible for all of the corporation's, firm's, partnership's or association's agents engaging in the business of fortune-telling.

5.28.030 - Application for license—Contents—Filing.

A. An application for a fortune-telling license pursuant to this chapter shall be made in writing and signed on a form supplied by the Department of Business Development. The application for a fortune-telling license shall be filed with the Business Development Director. The application for a fortune telling license under this chapter shall require the following information be provided:

- 1. The name, local and permanent address, telephone number, age, weight, height, and color of hair and eyes of the person to be licensed under this chapter.**
- 2. The address of the location at which the applicant will operate or conduct the fortune-telling business.**

3. A statement that the applicant shall agree to:

(a) Conform to the provisions of this chapter and other ordinances of the City and other applicable rules and regulations adopted by the City, from time to time, governing fortune-telling;

(b) Permit such examinations and inspections as may be deemed necessary by the Business Development Director; and,

(c) The revocation of the fortune-telling license issued under this chapter, at any time, for failure to comply with the provisions of this chapter and other ordinances of the City and other applicable rules and regulations adopted by the City, from time to time, governing fortune-telling.

5.28.040 – Investigation – Issuance of fortune-telling license – Determination of threat to health, safety and welfare.

A. Upon receipt of an application filed under Section 5.28.030, the Business Development Director shall contact the city police and fire departments and may contact any other agency of the city government as he or she deems necessary in connection with any investigation under this chapter.

B. Unless after investigation of the applicant under Section 5.28.040(A) the Business Development Director finds that the person making the application for a fortune-telling license has not complied with this chapter, or the Business Development Director, chief of police, or chief of the fire department determines that the person being licensed under this chapter may be a threat to the health, safety and welfare of the citizens of the city, the Business Development Director shall issue a fortune-telling license to the applicant. No fortune-telling license shall be issued to any holder of a license previously issued under this chapter within one year of a revocation of such previous license.

C. In determining if the person making an application for a fortune-telling license under this chapter may be a threat to health, safety and welfare of the citizens of the city, the Business Development Director shall consider the reputation of the applicant, the applicant's criminal record, if any, and license history in this or other jurisdictions as reported to the Business Development Director by the police department, fire department, or any other department or agency of the city government. In reaching a decision on whether an applicant for a fortune-telling license under this chapter may be a threat to health, safety and welfare of the citizens of the city, emphasis shall be given to convictions of the applicant for crimes of violence, sex offenses, violations of the gaming, narcotic and alcoholic beverage laws and/or fraud.

D. An applicant for a fortune-telling license under this chapter shall submit proof of an inspection of the premises at which the applicant will conduct fortune-telling, and approval thereof by the City Fire Marshal showing compliance with the City's fire prevention code prior to the issuance of a license under this chapter.

5.28.050 - Fee for Application.

A nonrefundable license fee of one hundred dollars (\$100.00) shall be paid to the Business Development Director when an application for a new license or renewal of a license is filed under this chapter.

5.28.060 - Recording of licenses issued.

The Business Development Director shall keep a permanent record of all fortune-telling licenses issued under this chapter.

5.28.070 - Information required on license.

Each fortune-telling license issued under this chapter shall be signed by the Business Development Director that issued the license, and each such license shall show the name, address and photograph of the person

issued the license, the purpose for which the license is issued, the amount of the license fee paid, and the date of issuance and the length of time for which the license shall be valid.

5.28.080 – Expiration of license; Renewal of license.

A. A fortune-telling license issued under this chapter shall expire one year from the date the license is issued.

B. A fortune-telling license issued under this chapter may be renewed for a period of one year subject to the same terms and conditions provided in Section 5.28.030 and Section 5.28.040 and payment of the license fee set forth in 5.28.050.

5.28.090 - Revocation of license.

A. The Business Development Director may suspend, revoke or refuse to renew any license upon a finding that the person licensed under this chapter engaged in fraud or willful misrepresentation, violated any provision of this chapter or committed any unlawful act.

B. Upon revocation of a license issued under this chapter, the person issued the fortune-telling license shall immediately return the license to the Business Development Director, and, upon failing to do so, the Business Development Director may request and direct the license to be confiscated.

C. Any revocation of a license issued under this chapter shall be accompanied by written notice to the person identified in Section 5.28.030(A)(1) by certified mail. The notice shall contain the reason(s) for the revocation of the license.

5.28.100 - Exhibition of license.

Each person issued a license under this chapter shall prominently exhibit the fortune-telling license within the premises at which the licensed person conducts fortune-telling.

5.28.110 - Unauthorized practice of fortune-telling prohibited; Violations - Penalties.

A. A person who engages in fortune-telling without a valid license issued under this chapter 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 one hundred dollars (\$100.00) for each offense. Each day a violation continues shall be considered a separate offense.

B. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation of the provisions of this chapter.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 2. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

Section 3. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

Section 4. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 4.

Section 5. This Ordinance shall take effect from and after the date of its final passage.

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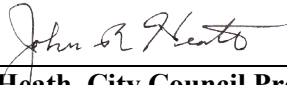
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THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 9 day of August, 2021 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the 13 day of September, 2021.

ATTEST:



Julie A. English, Assistant City Clerk



John R. Heath, City Council President

Approved by me, this 20th day of September, 2021.



Jacob R. Day, Mayor



Memo

To: City Council
From: Hannah Prugh, Mayor's Office Intern
Laura Soper, Director of Business Development
Date: 9/1/21
Subject: Changes to Chapter 5.28 - Fortune Telling

Under Chapter 5.28 of the City Code, anyone who is looking to perform acts of Fortune Telling within City limits are required to get a Fortune-telling permit from the City. The multi-step process of getting this license is typically lengthy and expensive. It has been brought to our attention by a community member that this extensive process, along with the outdated language should be updated for the benefit of our citizens and community as a whole. In addition to abridging the multi-step process and using more inclusive verbiage, we propose reducing required fees, as well as charges and penalties for violations. These revisions will provide a better opportunity for members of our community who seek a career in fortune-telling practices to pursue their aspirations as well as express Chapter 5.28 of the City Code in a fair, inclusive, and professional manner.

Included is the amended legislation that reflects the edits requested by City Council at the meeting on August 9, 2021.