

ORDINANCE NO. 2713

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING SECTION 13.16 OF THE SALISBURY CITY CODE, ENTITLED “SANITARY FACILITIES”, TO ADD AN EXEMPTION FOR FACILITIES OWNED OR OPERATED BY THE CITY OF SALISBURY FOR THE PURPOSE OF PROVIDING TEMPORARY HOUSING FOR HOMELESS PERSONS.

WHEREAS, the ongoing application, administration and enforcement of the City of Salisbury Municipal Code (the “**Salisbury City Code**”) demonstrates a need for its periodic review, evaluation and amendment, in order to comply with present community standards and values, and promote the public safety, health and welfare of the citizens of the City of Salisbury (the “**City**”);

WHEREAS, the Mayor and Council of the City of Salisbury (the “**Mayor and Council**”) are authorized by MD Code, Local Government, § 5-202 to adopt such ordinances, not contrary to the Constitution of Maryland, public general law or public local law, as the Mayor and Council deem necessary to assure the good government of the municipality, to preserve peace and order, to secure persons and property from damage and destruction, and to protect the health, comfort and convenience of the citizens of the City;

WHEREAS, the Mayor and Council may amend Section 13.16 of the Public Services Title of the Salisbury City Code pursuant to the authority granted in § SC 2-15 of the Salisbury City Charter;

WHEREAS, the Mayor and Council find that the health, safety and general welfare of the citizens of the City will be furthered by amending Section 13.16 of the Salisbury City Code to add an exemption for facilities owned or operated by the City of Salisbury for the purpose of housing homeless individuals; and

WHEREAS, the Mayor and Council have determined that the amendments to Section 13.16 of the Salisbury City Code set forth shall be adopted as set forth herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Section 13.16 of the Public Services Title of the Salisbury City Code is hereby amended by adding the bolded and underlined language and deleting the strikethrough language as follows:

Section 1. By amending Section 13.16 of the Salisbury City Code of the Salisbury City Code, entitled “Sanitary Facilities” as follows:

Chapter 13.16 SANITARY FACILITIES

13.16.010 Sanitary and water facilities required.

Except as provided in 13.16.050, No no building or other structure located within the corporate limits of the city to which city water service and city sewer service are available may be occupied as a place of human habitation unless such building or other structure is furnished with an inside sanitary toilet, in good operating condition, connected with the city sanitary sewer system and one water tap equipped with a sink, all in good operating condition, connected with the city water supply system. Such toilet and water tap shall be readily available to each occupant of such building or other structure. (Ord. 1983 (part), 2006)

13.16.020 Private sewage disposal systems.

Except as provided in 13.16.050, No no building or other structure located within the corporate limits of the city to which city water service and city sewer service are not available may be occupied as a place of human habitation unless such building or other structure is furnished with a private sewage disposal system constructed in accordance with the provisions of this chapter or other ordinance of the city regulating such matters. Such private sewage disposal systems shall be maintained in a sanitary condition and shall be adequate for and available to each occupant of such building or other structure. (Ord. 1983 (part), 2006)

13.16.030 Occupation of buildings unequipped with required sanitary facilities.

Except as provided in 13.16.050, Any **any** person occupying a building or other structure located within the corporate limits of the city as a place of human habitation which is not equipped with the sanitary facilities required by Sections 13.16.010 and 13.16.020 of this chapter shall be deemed guilty of a misdemeanor. (Ord. 1983 (part), 2006)

13.16.040 Owners permitting occupation of unequipped buildings.

Except as provided in 13.16.050, Any **any** owner or owner's agent, permitting any person to occupy a building or other structure located within the corporate limits of the city as a place of human habitation not equipped with the sanitary facilities required by Sections 13.16.010 and 13.16.020 of this chapter shall be deemed guilty of a misdemeanor. (Ord. 1983 (part), 2006)

13.16.050 Facilities owned or operated by the City of Salisbury.

The provisions of 13.16.020 – 13.16.040 shall not apply to any facility owned or operated by the City of Salisbury for the purpose of providing temporary housing for homeless persons. Such facilities may provide community sanitary and water facilities and sewage disposal systems which shall be readily accessible to occupants, but need not be located within the same building or structure which is used for human habitation.

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.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 28th day of February, 2022 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 14th day of March, 2022

ATTEST:



Kimberly R. Nichols, City Clerk



John R. Heath, City Council President

Approved by me, this 18th day of March, 2022.



Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

To: Julia Glanz, City Administrator
From: Amanda Pollack, P.E., Director of Infrastructure and Development
Date: February 10, 2022
Re: Anne Street Village enabling legislation

AP

Per Ordinance No 2701, funding has been allocated for a “Tiny Homes for Homeless” project. There are three legislative items that are needed to enable the development of the Anne Street Village project. All three are being introduced together at the February 22, 2022 work session. The zoning code text amendment requires a Planning Commission Public Hearing and Planning Commission approval prior to the City Council’s Public Hearing and approval. The other two legislative items require only City Council approval. A summary of the three items is below and the proposed legislation is attached. All of the legislation has been prepared by the City Attorney.

1. Ordinance for a text amendment to Zoning Code in Title 17 Zoning.
 - a. Amending Section 17.04.04 of the Salisbury City Code, entitled “Method Of Regulation,” to add language exempting Federal, State And Local Governments from Title 17.
 - b. The amendment will clarify confusing language in the existing code. Wicomico County has similar exemption language.
 - c. This language was being added as part of the comprehensive rezoning process, however the Anne Street Village project is accelerating the need for the amendment.
2. Ordinance for a text amendment to the Building Code in Title 13 Public Services:
 - a. Amend Section 13.16 of the Salisbury City Code, entitled “Sanitary Facilities”, to add an exemption for facilities owned or operated by the City of Salisbury for the purpose of providing temporary housing for homeless persons.
 - b. Section 13.16 currently requires all building or structures that are used for human habitation must have interior sanitary facilities.
3. Resolution authorizing the establishment of a temporary housing facility.
 - a. Defines the need for the facility.
 - b. Defines the services provided and the shared facilities provided.
 - c. Authorizes the City Administration to develop eligibility criteria, a selection process, and rules and regulations.

Unless you or the Mayor has further questions, please forward a copy of this memo, the resolution and the two ordinances to the City Council.