

## ORDINANCE NO. 2443

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND THE FOLLOWING SECTIONS OF TITLE 3, REVENUE AND FINANCE, OF THE SALISBURY MUNICIPAL CODE: CHAPTER 3.04 - CLAIMS FOR REFUNDS, SECTIONS .030, .040, AND .050, CHAPTER - 3.08 PERSONAL PROPERTY TAXES, SECTIONS .010 AND .020, CHAPTER 3.20.020D. - TAX ABATEMENT, AND CHAPTER 3.22 - ADVANCED TELECOMMUNICATIONS SYSTEMS PROPERTY TAX CREDIT, BY DELETING THE TITLE DIRECTOR OF INTERNAL SERVICES AND REPLACING IT WITH THE TITLE DIRECTOR OF FINANCE, BY DELETING THE TITLE DIRECTOR OF INFORMATION TECHNOLOGY AND REPLACING IT WITH THE TITLE DIRECTOR OF INFORMATION SERVICES, AND TO UPDATE THE REFERENCES TO THE CURRENT ANNOTATED CODE OF MARYLAND.

WHEREAS, the Mayor and Council of the City of Salisbury desire to re-organize the departmental structure of the City of Salisbury; and

WHEREAS, the Department of Internal Services is being divided into two separate departments, the Department of Finance and the Department of Procurement as part of the reorganization structure for the City of Salisbury; and

WHEREAS, the current City Code refers to the Director of Internal Services that will be eliminated under the reorganization and replaced with the Directors of Finance and Procurement; and

WHEREAS, the Department of Information Technology is being given additional responsibilities and is being renamed as part of the reorganization structure for the City of Salisbury; and

WHEREAS, the current City Code contains the Director of Information Technology in Chapter 3.22 that will be renamed under the reorganization and replaced with the Director of Information Services; and

WHEREAS, the Salisbury City Council has concluded that it is in the best interest of the City to amend the City Code to accomplish the reorganization plan, which will not result in increased costs under the City's current budget and will allow the Departments to operate in a more efficient manner;

NOW, THEREFORE, be it enacted and ordained by the City of Salisbury, that Chapters 3.04, 3.08, 3.20, and 3.22 of the City of Salisbury Municipal Code be amended as follows:

### Chapter 3.04 – CLAIMS FOR REFUNDS

#### 3.04.030 – Form of claim – Contents.

All claims for refunds under this chapter shall be made in writing and addressed to the director of ~~[[internal services]]~~*finance*. The claim shall specify the date of such erroneous

payment and the amount thereof and shall detail the reasons why the payment is believed to have been made erroneously. All such claims shall be verified by the affidavit of the claimant.

#### 3.04.040 – Investigation and report concerning claim – Hearing.

The director of **[[internal services]]finance** shall promptly make an investigation of any claim made under this chapter and shall submit a written report thereon to the council. Upon the receipt of such written report, the council shall hold a hearing on the claim in regard to which the report was filed.

#### 3.04.050 – Allowance or disallowance of claim – Notification.

If, after investigation and hearing in accordance with Section 3.04.040 of this chapter, the council shall determine that such claim is just and proper and that it should be allowed in whole or in part, the council shall notify the director of **[[internal services]]finance**, and the claim for refund shall be allowed; otherwise the same shall be disallowed. Notice of the action of the council in allowing or disallowing such claim for refund shall be given to the taxpayer making such claim by ordinary mail.

### Chapter 3.08 – PERSONAL PROPERTY TAXES

#### 3.08.010 Director of **[[internal services]]finance** authorized to estimate assessments – Payments of estimated tax bills.

Pursuant to the authority of *Tax Property* Article **[[81,]] § [[49B]]10-210**, of the Annotated Code of Maryland, **[[1980 Replacement]]2001** Volume, **[[and 1983 Supplement,]]** as amended, the director of **[[internal services]]finance** be and he is authorized and directed to estimate assessments in cases where the State of Maryland Department of Assessment and Taxation fails to notify the director of **[[internal services]]finance** of such assessment on or before September 1st of any year, so as to provide for the payment of tangible personal property taxes imposed by *Tax Property* Article **[[81,]] § [[8(2)]]8-107** of the Annotated Code of Maryland, not in excess of an amount determined by applying the current rate to the assessment for the last preceding year for which such assessment is available. Notwithstanding any provision to the contrary, estimated tax bills rendered on the basis of the assessment for the last preceding year for which such assessment is available shall be subject to such interest and penalties as have been established pursuant to *Tax Property* Article **[[81,]] § [[48(a) and (b)]]14-702**, of the Annotated Code of Maryland. If the amount so paid is less than the tax as finally determined, the taxpayer shall be billed for the difference; and if the amount so paid is greater than the tax as finally determined, the taxpayer shall be refunded the difference, with interest. Any bill rendered for an additional amount, as finally determined under the provisions of this section, if not paid within thirty (30) days thereof, shall be subject to such interest and penalties as may be established by ordinance of the mayor and city council.

#### 3.08.020 – Director of **[[internal services]]finance** authorized to collect fee.

Pursuant to the authority of *Tax Propert* Article **[[81,]] § [[49C]]10-207**, of the Annotated Code of Maryland, **[[1980 Replacement]]2001** Volume **[[and 1983 Supplement]]**, as amended, the director of **[[internal services]]finance** be and he is authorized and directed, in cases where a business begins doing a business or an existing business expands to a new location in the city of Salisbury after the date of finality for any particular year and does not own real property in the city of Salisbury, the business, to ensure payment of the personal property tax and collect a fee of sixty dollars (\$60.00). The fee paid by the taxpayer shall be a credit toward the city of Salisbury personal property tax of the taxpayer; and when the personal property tax of the taxpayer is finally determined, the taxpayer shall pay the remaining personal property tax due or may claim a refund of the excessive tax paid.

#### Chapter 3.20 – Homeowner Conversion Tax Abatement Program.

##### 3.20.020 – Tax abatement.

###### D. Implementation.

1. To administer the program, the director of **[[internal services]]finance** of the city of Salisbury shall distribute and receive any forms that are required for application to the program, agreement to participate and an annual certification of qualification.
2. Each applicant shall file a certificate of qualification by April 1 of each year with the director of **[[internal services]]finance** in order to remain eligible for the tax abatement program.

#### Chapter 3.22 – Advanced Telecommunications Systems Property Tax Credit.

##### 3.22.010 – Definitions.

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

- A. “Licensed Appraiser” means an appraiser that is licensed with the Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors of the Maryland Department of Labor, Licensing, and Regulation.
- B. “Cost of Qualify Renovations” means the added value to the property as a result of the renovations as determined by a third-party licensed appraiser.
- C. “Eligible Area” means the area of the city of Salisbury that has been designated as the “Downtown Historic District,” pursuant to the Salisbury Code 17.60.
- D. “Qualifying Renovations” means renovations to a commercial or residential building that the Director of the Department of Information **[[Technology]]Services** or his designee determines to qualify for this tax credit under the guidelines in 3.22.020(D).

##### 3.22.020 – Advanced telecommunications systems property tax credit.

- A. Pursuant to the authorization contained in Section 9-228, Tax-Property Article, Annotated Code of Maryland, the city of Salisbury elects to provide an advanced telecommunications systems property tax credit for the taxable years beginning July 1, 2016.
- B. There is a city of Salisbury advanced telecommunications systems property tax credit against real property for commercial or residential buildings in the eligible area to which qualifying renovations have been made to meet state-of-the-art communications and utility standards for advanced computer and telecommunications systems described in Section 9-228, Tax-Property Article, Annotated Code of Maryland.
- C. For any taxable year, the total amount of property tax credits for a single property may not exceed the lesser of:
  - 1. Ten percent (10%) of the cost of qualifying renovations to a commercial or residential building to meet state-of-the-art communication and utility standards for accommodating advanced computer and telecommunications equipment; or
  - 2. The city of Salisbury property tax otherwise due for that taxable year.
- D. A property tax credit may be granted under this chapter if the Director of the Department of Information **[[Technology]]Services** or his designee:
  - 1. Before construction commences, review and approves the plans for the renovations as meeting industry standards published by the Electrical Industry Association and Telecommunications Industry Association (EIA/TIA Building Standard 568); and
  - 2. During construction and on completion of construction, reviews and approves the implementation of the renovations as conforming to the approved plans based on the appraisal report of a third-party licensed appraiser.
- E. This tax credit may apply for up to ten (10) taxable years, beginning with the fiscal year following final approval in accordance with subsection 3.22.020(D).

3.22.030 – Implementation.

- A. To administer the program, the Business Development Specialist of the city of Salisbury shall distribute and receive any forms that are required for application to the program. The Business Development Specialist may begin soliciting applications on the date of passage.
- B. Properties that currently receive a property tax credit under Section 9-103 or 9-103.1, Tax-Property Article, Annotated Code of Maryland, are not eligible for the Advanced Telecommunications Systems Property Tax Credit created under this chapter. If a property applies for and receives a property tax credit under Section 9-103 or 9-103.1, Tax-Property Article, Annotated Code of Maryland, the property will no longer be eligible for the property tax credit created under this chapter.
- C. The cost of the appraisal of the property shall be borne by the owner of the property.

**EXPLANATION:**

\* *ITALICIZED PRINT INDICATES MATERIAL ADDED TO EXISTING LAW.*  
Deleted material from the existing Code is indicated by bold double bracketed [ [ ] ] language.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that the Ordinance shall take effect upon final passage.

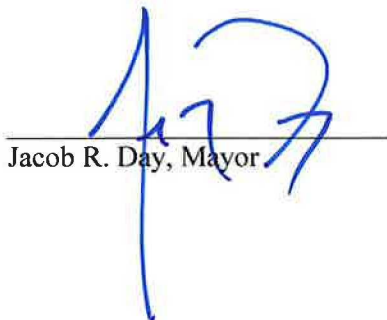
THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 11<sup>th</sup> day of September, 2017 and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the 9<sup>th</sup> day of October, 2017.

ATTEST:

  
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Kimberly R. Nichols, City Clerk

  
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John R. Heath, City Council President

Approved by me, this 10<sup>th</sup> day of OCTOBER, 2017.

  
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Jacob R. Day, Mayor

**To:** City Council  
**From:** Julia Glanz, City Administrator  
**Subject:** Reorganization- Charter and Code Changes  
**Date:** August 2, 2017

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During the FY18 Budget Process, the Mayor and I proposed a plan to reorganize the departments within our City government in order to more appropriately align them with the City's goals and objectives.

Substantial changes that constitute this reorganization include: a one-stop-shop for all development projects, the consolidation of our code enforcement officers by relocating them all to one department, a reworking and division of the legacy structure of our Public Works department, a new focus on GIS in all City departments, an independent Procurement department, and the revocation of a previous arrangement that placed Parking under Procurement's purview. This reorganization will be evident in the functionality of our City government and will have a minimal impact on the FY18 Budget.

To further explain this reorganization, all proposed City Code and Charter changes are attached for your review, as well as the ordinance necessary to accept those changes.