

## ORDINANCE NO. 2449

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND THE FOLLOWING SECTIONS OF TITLE 12, STREETS, SIDEWALKS AND PUBLIC PLACES, OF THE SALISBURY MUNICIPAL CODE: CHAPTER 12.08 - CONSTRUCTION OF DRIVEWAYS, SECTIONS .010 AND .050, CHAPTER 12.10 - SNOW AND ICE REMOVAL, SECTIONS .040, .050, AND .060, CHAPTER 12.12.010 - EXCAVATIONS AND OBSTRUCTIONS, CHAPTER 12.36 - SIDEWALK CAFES, SECTIONS .020B AND .040C AND G, AND CHAPTER 12.40 - SIDEWALK SIGNS, SECTIONS .020B. AND .040, BY DELETING PUBLIC WORKS AND REPLACING THOSE REFERENCES WITH THE DEPARTMENT OF INFRASTRUCTURE AND DEVELOPMENT, BY DELETING THE REFERENCE TO THE DIRECTOR OF BUILDING, PERMITTING AND INSPECTIONS AND REPLACING IT WITH THE DIRECTOR OF INFRASTRUCTURE AND DEVELOPMENT, BY DELETING THE REFERENCE TO NEIGHBORHOOD SERVICES AND ADDING THE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT AND BY DELETING THE TITLE DIRECTOR OF INTERNAL SERVICES AND REPLACING IT WITH THE TITLE DIRECTOR OF FINANCE.

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 Public Works is being divided into three separate departments, the Department of Infrastructure and Development, the Department of Water Works, and the Department of Field Operations as part of the reorganization structure for the City of Salisbury; and

WHEREAS, the Department of Building, Permitting and Inspections is being eliminated as part of the reorganization structure for the City of Salisbury; and

WHEREAS, the responsibilities of this department for the planning, permitting and licensing will be handled by the newly created Department of Infrastructure and Development; and

WHEREAS, the name of the Department of Neighborhood Services and Code Compliance was previously changed to the Housing & Community Development Department; and

WHEREAS, the name was not changed in all of the sections of the Salisbury Municipal Code; 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 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 12.08, 12.10, 12.12, 12.36 and 12.40 of the City of Salisbury Municipal Code be amended as follows:

Chapter 12.08 – Construction of Driveways.

12.08.010 – Standard plans and specifications.

The construction or reconstruction of all depressed curbs and sidewalks for driveways or other purposes shall be in accordance with the standard plans and specifications on file at the office of the director of **[[public works]]***the Department of Infrastructure and Development*.

12.08.050 – Permit required for construction of depressed curb or sidewalk.

No person shall construct or reconstruct any depressed curb or sidewalk for driveways or other purposes in the city unless a permit to do so shall have been obtained from the director of **[[public works]]***the Department of Infrastructure and Development* prior to such construction or reconstruction.

Chapter 12.10 – Snow and Ice Removal.

12.10.040 – Abatement.

In the event of failure, neglect or refusal of any owner duly notified pursuant to Section 12.10.010 of this chapter, to remove snow and ice from sidewalks within the twenty-four-hour time period provided, the director of the **[[department of neighborhood services and code compliance]]***Housing and Community Development Department* may cause the condition to be abated by appropriate means.

12.10.050 – Costs of removal to constitute lien on property-Interest-Collection.

- A. If the director of the **[[department of neighborhood services and code compliance]]***Housing and Community Development Department* causes a condition to be abated under this chapter, the cost or expense of such abatement, plus one hundred dollars (\$100.00) for the cost of administering the provisions of this chapter, shall be assessed, and the director of the **[[department of neighborhood services and code compliance]]***Housing and Community Development Department* shall issue a notice to the property owner. The notice shall be in writing and shall state the following:
1. The amount of the fees due as of the date of the notice;
  2. That if the owner fails to pay the fees due within thirty (30) days after billing, the director of the **[[department of neighborhood services and code compliance]]***Housing and Community Development Department* shall cause to be recorded in the department of **[[internal services]]***finance* the amount of fees due and owing, and such amount will be carried on the records of the city of Salisbury and shall be collectible in the same manner as real estate taxes are collected;
- B. If the full amount of any fees due to the city is not paid by the owner within thirty (30) days after billing and the property owner does not file a timely appeal, the director of the

**[[department of neighborhood services and code compliance]]***Housing and Community Development Department* shall cause to be recorded in the department of **[[internal services]]***finance* the amount of fees due and owing, and such amount will be carried on the records of the city of Salisbury and shall be collectible in the same manner as real estate taxes are collected, including the accrual of interest.

#### 12.10.060 – Appeal.

- A. Any person wishing to appeal a determination of the director of the **[[department of neighborhood services and code compliance]]***Housing and Community Development Department* regarding the provisions of this chapter shall file a written notice of appeal with the **[[department of neighborhood services and code compliance]]***Housing and Community Development Department* within twenty-one (21) days after receipt of a notice sent pursuant to the provisions of this chapter. The notice of appeal shall contain a statement of grounds for the appeal. The notice of appeal shall be accompanied by a fee of one hundred dollars (\$100.00). Municipal infraction citations are subject to the jurisdiction of the District Court of Maryland and, once issued, are not subject to the provisions of this Chapter
- B. The director of the **[[department of neighborhood services and code compliance]]***Housing and Community Development Department* shall refer the appeal to the housing board of adjustments and appeals for hearing pursuant to Section 15.24.360 of the Salisbury Municipal Code.
- C. Should the decision of the housing official be overturned by the housing board of adjustments and appeals the appellant shall receive a full refund of the one hundred dollar (\$100.00) appeal application fee within thirty (30) days of the date of the decision of the board.

#### Chapter 12.12 – Excavations and Obstructions.

##### 12.12.010 – Permit required.

No person shall dig or in any manner break up any street or sidewalk in the city for any purpose whatsoever or place any obstruction thereupon or in any manner impede or hinder the passage of pedestrian or vehicular traffic thereon without first obtaining a written permit from the director of **[[public works]]***the Department of Infrastructure and Development*. Such permit shall limit the manner and duration of placing and maintaining any such obstruction.

#### Chapter 12.36 – Sidewalk Cafes.

##### 12.36.020 – Permit required.

- B. An application for a sidewalk café permit shall be made to the director of **[[building, permitting and inspections]]***infrastructure and development* on forms provided by the director. The application shall be made by the owner of the public eating business establishing the sidewalk café.

12.36.040 – Design standards.

- C. A scaled sketch plan shall be filed with the permit application showing all street fixtures affected, included property lines fronting the sidewalk in which the sidewalk cafe will be located, sidewalks, street curb lines, lighting, trees, planters, parking meters, street signs, fire hydrants and proposed location of the outdoor cafe and enclosure. Any plans to anchor the enclosures in the public sidewalk must be approved by the department of **[[public works]]***infrastructure and development*.
- G. No sidewalk cafe may be permanently located within the sidewalk area by means of raised deck, platform, walls or other structures or enclosed by fixed walls of any material, except that sidewalk cafe boundaries must be delineated by the use of temporary barriers such as railings or fencing. Any such temporary barriers must be easily removed and no more than forty-two (42) inches in height above the sidewalk surface. Temporary barriers may be attached by removable clips or devices approved in advance by the department of **[[public works]]***infrastructure and development*.

Chapter 12.40 – Sidewalk Signs.

12.40.020 – Permit required.

- B. An application for a sidewalk sign shall be made to the department of **[[building, permitting and inspections]]***infrastructure and development* on forms provided by the department. The application shall be made by the person who owns the sign. The permit fee shall be established by resolution of the city council.

12.40.040 – Appeals.

- A. Any person wishing to appeal a determination of the director of the department of **[[building, permitting and inspections]]***infrastructure and development* regarding the provisions of this chapter shall file a written notice of appeal with the department of **[[building, permitting and inspections]]***infrastructure and development* within twenty-one (21) days after receipt of a notice sent pursuant to the provisions of this chapter. The notice of appeal shall contain a statement of grounds for the appeal. The notice of appeal shall be accompanied by a fee of one hundred dollars (\$100.00).
- B. The director of the department of **[[building, permitting and inspections]]***infrastructure and development* shall refer the appeal to the housing board of adjustments and appeals for hearing pursuant to Sections 15.24.360 through 15.24.450 of the Salisbury Municipal Code.

**EXPLANATION:**

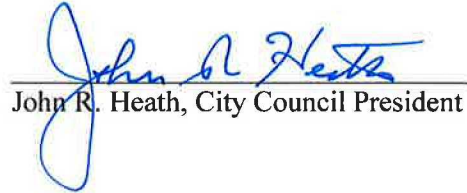
- \* *ITALICIZED PRINT INDICATES MATERIAL ADDED TO EXISTING LAW.*  
Deleted material from the existing Code is indicated by bold double bracketed **[[ ]]** language.

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

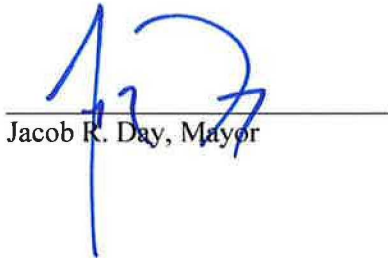
THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 11<sup>th</sup> day of September, 2017 and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on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

ATTEST:

  
Kimberly R. Nichols, City Clerk

  
John R. Heath, City Council President

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

  
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.