

AS AMENDED ON SEPTEMBER 11, 2017
ORDINANCE NO. 2452

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND THE FOLLOWING SECTIONS OF TITLE 13, PUBLIC SERVICES, OF THE SALISBURY MUNICIPAL CODE: CHAPTER 13.04 - GENERAL PROVISIONS – WATER AND SEWER CHARGES, BY DELETING THE REFERENCES TO PUBLIC WORKS AND BUILDING, PERMITTING AND INSPECTIONS IN SECTIONS .010, .030, .040 AND .110, AND REPLACING THOSE REFERENCES WITH INFRASTRUCTURE AND DEVELOPMENT, BY DELETING THE REFERENCES TO PUBLIC WORKS IN SECTIONS .030, .060 AND .100, AND REPLACING WITH WATER WORKS, BY DELETING THE REFERENCE TO INTERNAL SERVICES IN SECTION .080 AND REPLACING THOSE REFERENCES WITH FINANCE, BY DELETING THE REFERENCE TO NEIGHBORHOOD SERVICES AND CODE COMPLIANCE ~~COPMLIANCE~~ IN SECTION .110 AND REPLACING IT WITH HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT, AND BY DELETING THE POSITION OF DIRECTOR OF PLANNING AND ZONING IN SECTION .110 AND REPLACING IT WITH CITY PLANNER .

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 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 Chapter 13.04 of the City of Salisbury Municipal Code be amended as follows:

Title 13 – PUBLIC SERVICES

Chapter 13.04 – General Provisions – Water and Sewer Charges.

13.04.010 – Application for water and sewer service – Approval or disapproval.

Application for water and sewer service shall be made, on prescribed forms furnished by the department of **[[public works]]***infrastructure and development*, by the property owner or his duty authorized agent. If the director of the department of **[[public works]]***infrastructure and development* is satisfied that the request described in an application conforms to the requirements of this chapter and other pertinent laws and ordinances, he shall approve the application. Should the application not conform to the requirements of this chapter and other pertinent laws and ordinances, the director of the department of **[[public works]]***infrastructure and development* shall disapprove such application. Such refusal shall, when requested, be in writing and will contain the reasons therefor.

13.04.030 – Inspections – Penalty for refusal to permit inspection.

All properties connected with the sanitary sewer system of the city may be inspected from time to time by employees of the department of **[[building, permits and inspections]]***infrastructure and development* and the department of **[[public works]]***water works** or other agency of the city for purpose of checking the amount and nature of the effluent being discharged into the sanitary sewer system. Any person who shall refuse to permit an inspection of any such property for the purposes aforesaid shall be guilty of a misdemeanor and, upon conviction thereof by the Circuit Court for the county, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment for not less than ten days nor more than thirty (30) days.

13.04.040 – Discontinuance of service – Notice of disconnection.

Should any property owner or occupant of property connected with the city water or sanitary sewer system refuse to permit an inspection of such property for the purposes outlined in Section 13.04.030 of this chapter, then such property shall be disconnected from the sanitary sewer system and shall not be reconnected thereto until the inspection of the property has been completed and the cost of such disconnection and reconnection is paid to the city. Before disconnecting any property under the provisions hereof, the director of the department of **[[building, permits and inspections]]***infrastructure and development* shall give five days' notice by letter addressed to the person refusing to permit such inspection notifying such person that sewer service shall be discontinued unless the inspection provided for herein is permitted.

13.04.060 – Computation of sewer charges.

The sewer charges imposed in Section 13.04.050 of this chapter shall be computed as follows:

- A. For properties paying metered water charges, for all consumption, the sewer charge shall be based on the amount of such metered water consumption; provided that, for properties not using city water but measuring the amount of effluent discharged into the sanitary sewer system by means of a sewage flow meter or other device approved by the city, the amount of effluent so discharged shall be considered as establishing the amount of water consumption for the purpose of determining the amount of the sewer charge.
- B. Sewer charge for properties inside corporate limits, but not using city water.

1. For properties located inside the corporate limits but not using city water and not measuring the amount of effluent discharged into the sanitary sewer system by means of a sewage flow meter or other measuring device approved by the city, the sewer charge shall be computed by determining the number of water fixtures located in such property and charging for such in accordance with a schedule of rates established from time to time by the city council by resolution which shall include two readings, the second of which will be a public hearing.
 2. When, in the opinion of the director of the department of **[[public works]]***water works*, any property, whether inside or outside the corporate limits, is desirous of connection to the city's sanitary sewer or any county urban service district sanitary sewer and has an expected flow of one hundred thousand (100,000) gallons per year or greater, he will require that the property owner install, at the property owner's expense, an appropriate measuring device for determining the basis of the sewer charge. This device shall be placed under the city's direct supervision and shall be in accordance with city standards. The device must meet city approval and shall be accessible to city personnel at all times for maintenance, repair and reading. A reasonable charge will be made for maintenance, repair or replacement.
 3. Any properties now connected to the city's sanitary sewer that, in the opinion of the director of the department of **[[public works]]***water works*, have a flow of one hundred thousand (100,000) gallons per year or greater will have until January 1, 1973, to install and place in service the measuring device. Any existing, operating device and its installation shall be upgraded to meet city standards by January 1, 1973.
- C. For residential properties located outside the corporate limits but not using city water and not measuring the amount of effluent discharged into the sanitary sewer system by means of a sewage flow meter or other measuring device approved by the city, the sewer charge shall be computed by determining the number and kind of water fixtures located in such property and charging for the same an annual amount equal to two hundred (200) percent of those set forth for properties located in the corporate limits as established from time to time by the city council by resolution which shall include two readings, the second of which will be a public hearing. Any property located outside the corporate limits required by the director of the department of **[[public works]]***water works* to have a measuring device installed under authority of subsection B of this section shall pay an amount equal to two hundred (200) percent of the rates for properties located in the corporate limits, except county urban service district sanitary sewer, which shall pay the stipulated rate for that particular district.

13.04.080 – Billing – Delinquency in payment – Penalties for delinquency.

Sewer charges shall be billed to the property owners at the same time as the bills for water charges are rendered. In the event that the sanitary sewer user is not also a city water user, then sewer charges shall be billed quarterly. Property owners are responsible for payment of all sewer charges, and if any bill rendered for sewer charges shall not be paid within forty-five (45) days after the close of the billing period for which such bill was rendered, a penalty of five percent of the amount of such bill shall be payable, in addition to the amount of such bill. If any

such bill shall not be paid within sixty (60) days after the close of the billing period for which the bill is rendered, sewer service shall be discontinued. The director of **[[internal services]]** *finance* is directed to issue one written notice by postcard or other appropriate means to the property owner at any time during such sixty (60) day period warning him that sewer service will be discontinued unless payment is made as herein provided.

13.04.100 – Wastewater Credit Allowance.

- A. A nondomestic customer may submit written documentation to the Director of **[[Public Works]]** *Water Works* to establish eligibility for a Wastewater Credit Allowance if the nondomestic customer:
1. Discharges either less than ninety percent (90%) of the metered water consumption into the sewer system or uses over five hundred thousand (500,000) gallons per quarter of metered water consumption that does not enter the sewer system, and
 2. Is subject to categorical pretreatment standards; or
 3. Discharges an average of at least twenty-five thousand (25,000) gallons per day of process wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater) to the sewer system.
- B. If eligible, the nondomestic customer shall comply with the following requirements and submit documentation to the Director of **[[Public Works]]** *Water Works* in order to establish the appropriate Wastewater Credit Allowance.
1. The nondomestic customer shall install one of the following at their own expense:
 - a. A meter acceptable to the Director of **[[Public Works]]** *Water Works* to measure the volume of liquid actually discharged into the sewerage system from the nondomestic customer's premises; or
 - b. A meter acceptable to the Director of **[[Public Works]]** *Water Works* to measure the volume of liquid that is disposed of off-site of the nondomestic customer's premises; or
 - c. A meter acceptable to the Director of **[[Public Works]]** *Water Works* to measure the portion of water consumed which is diverted from entering the sanitary sewer.
 - d. In the event that meters in options b or c above are installed, the volume of water metered shall be deducted from the total volume of water consumed before the sewer service charge rate is applied.
 2. In lieu of sewer or water meter(s), the nondomestic customer may, with the approval of the Director of **[[Public Works]]** *Water Works*, submit:
 - a. Production schedules and runs for industries such as soft drink bottlers, breweries, and food processing plants where a significant percentage of the water consumed is incorporated in the actual product. Where approved, in advance by the Director of **[[Public Works]]** *Water Works*, production schedules and runs can be used in lieu of meters, and the volume of product will be used to determine the discharge to the sewer system.

- b. Haul manifests from a sewage pumping company are not an acceptable means to quantify sewer volumes.
3. Nondomestic customers are responsible for the maintenance and calibration of all approved meters. Sewer meters are required to be calibrated annually. Auxiliary water meters are required to be calibrated every two years. Calibration must be provided through a recognized testing agency and certification of calibration must be provided to the Department of **[[Public Works]]** *Water Works* upon completion. Tampering with, damaging, or removing meters without written consent of the Director of **[[Public Works]]** *Water Works* is prohibited. In the event of a meter malfunction, the customer shall be responsible for the repair, and shall reimburse the City for any over estimation of the Wastewater Credit Allowance caused by a malfunction.
4. The Wastewater Credit Allowance shall not be given until the type and location of meters have been approved by the Director of **[[Public Works]]** *Water Works*.
5. An eligible nondomestic customer shall submit its meter readings, production schedules and run times quarterly to the Department of **[[Public Works]]** *Water Works*. All data submitted shall contain a certification under penalty of perjury that the information is true and accurate to the best of the certifying official's information and belief. The Wastewater Credit Allowance will be computed quarterly. The credit shall be based on the actual measurements and shall give full credit at the applicable rate for all water not discharged into the sanitary sewer system. No credit will be granted without proper and timely documentation from the nondomestic customer.
6. The City will periodically perform site visits and audits to verify meter readings.
7. If a nondomestic customer is found to be submitting intentionally inaccurate data to the Department of **[[Public Works]]** *Water Works*, the nondomestic customer will be ineligible to receive the Wastewater Credit Allowance for a period of one (1) year, and the nondomestic customer, the certifying official, and any other persons with knowledge of the submission of inaccurate data, shall be subject to civil action and/or criminal prosecution. The nondomestic customer shall, however, be liable to the City for any over calculation of the Wastewater Credit Allowance, regardless of intent or fault in causing the error.

13.04.110 – EDU Incentive Area.

- A. An Equivalent Dwelling Unit (EDU) Incentive Area is established for a period of five years from the date of final passage of the ordinance. The incentive shall be reevaluated prior to the end of the five year period. Three hundred (300) EDUs are hereby reallocated from the former Linens of the Week property for use in the EDU Incentive Area.
- B. A developer may submit written documentation to the Director of **[[Public Works]]** *Infrastructure and Development* to establish eligibility for a project within the EDU Incentive Area if the project meets all of the following criteria:
 1. The project location is within one or more of the following areas: Central Business Zoning District; Riverfront Redevelopment Zoning District #1; Riverfront Redevelopment Zoning District #2: Enterprise Zone.

2. The project within an above referenced downtown Zoning District constitutes new development or revitalization of an existing building; or a project outside a referenced District but within an Enterprise Zone which constitutes revitalization of an existing building.
3. The project does not receive a capacity fee waiver for public sponsored or affordable housing.
4. The project complies, or will comply, with all applicable Zoning and Building Code criteria, as confirmed by the Director of **[[Building, Permits and Inspections]]***Infrastructure and Development*.
5. The project complies, or will comply, with all requirements of the Salisbury Historic District Commission, if applicable, as confirmed by the Director of **[[Neighborhood Services and Code Compliance]]***the Housing and Community Development Department*.
6. The project is consistent with the adopted Comprehensive Plan of the City of Salisbury, as confirmed by the **[[Director of Planning and Zoning]]***City Planner*.
7. The project is consistent with the Salisbury Sustainable Community Plan, on file with the Maryland Department of Housing and Community Development (DHCD), as confirmed by the Director of Community Development. Particular attention is to be given to the following action plan elements: Supporting existing communities and reducing environmental impacts: Valuing communities and neighborhoods - building upon assets creating and/or enhancing amenities: Enhancing economic competitiveness.
8. The project is consistent with one or more of the following benchmark objectives of A Plan For Transformation (2012): Increase the number of permanent, living wage jobs in the City; increase the number of downtown housing units and the associated resident population; increase the amount of commercial square footage in the City; effectively remove 25% of the impervious surface area in the downtown area without reducing existing building footprints.

C. If eligible, the developer shall comply with the following requirements and submit the required documentation to the Director of **[[Public Works]]***Infrastructure and Development*.

1. Written requests for EDU allocations will be submitted to the Director of **[[Public Works]]***Infrastructure and Development* for review and to make an eligibility determination. After review and upon a favorable recommendation, **[[Public Works]]***Infrastructure and Development* shall submit allocation requests from qualified applicants to the Mayor for approval. With the Mayor's approval, a Resolution will be forwarded to City Council for its approval.
2. The Resolution for each property will specify that the EDU allocation is valid for two years, with the option to extend the allocation for two one-year terms if approved in writing by the **[[Public Works]]** Director of *Infrastructure and Development* prior to expiration of the term. The **[[Public Works]]** Director of *Infrastructure and Development* may refuse to grant a requested extension if the **[[Public Works]]** Director of *Infrastructure and Development* finds that the property owner is not making good faith efforts to complete the project.

3. The two-year allocation begins to run from the time of the signing of the Resolution awarding the EDU allocation.
4. Allocated EDUs are assigned to a project and to the property on which the project is located, and cannot be transferred by the recipient.


EXPLANATION:

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

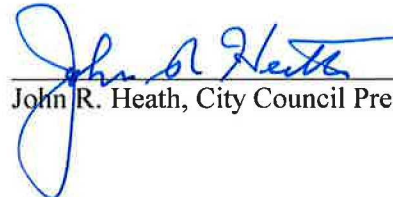
AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that the Ordinance shall take effect upon final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 11th 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 9th day of October, 2017.

ATTEST:

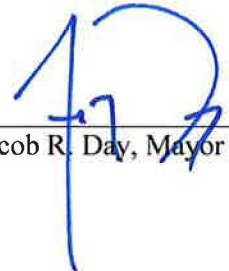


Kimberly R. Nichols, City Clerk



John R. Heath, City Council President

Approved by me, this 10th 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

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.