

ORDINANCE NO. 2455

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND THE FOLLOWING SECTIONS OF TITLE 15, BUILDINGS AND CONSTRUCTION, OF THE SALISBURY MUNICIPAL CODE: CHAPTER 15.20 - GRADING AND EXCAVATIONS, SECTIONS .030, .040, .050, .060, .070, .080 AND .100, CHAPTER 15.24 - HOUSING STANDARDS, SECTIONS .270b., .490, .1080C., AND .1700, CHAPTER 15.28 - NUMBERING OF HOUSES AND LOTS, SECTIONS .030 AND .040, AND CHAPTER 15.36 - TRAILERS, SECTIONS .030B. AND .030D., BY DELETING THE REFERENCES TO THE DEPARTMENT OF BUILDING, PERMITTING AND INSPECTIONS AND REPLACING THEM WITH THE DEPARTMENT OF INFRASTRUCTURE AND DEVELOPMENT, BY DELETING THE REFERENCES TO THE DIRECTOR OF BUILDING, HOUSING AND ZONING AND THE PUBLIC WORKS DIRECTOR AND REPLACING THEM WITH THE DIRECTOR OF THE DEPARTMENT OF INFRASTRUCTURE AND DEVELOPMENT, BY DELETING THE REFERENCE TO INTERNAL SERVICES AND REPLACING IT WITH FINANCE, TO UPDATE THE CITATION TO THE ANNOTATED CODE OF MARYLAND, AND BY DELETING THE REFERENCES TO THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND CODE COMPLIANCE IN THE DEFINITION OF "FAMILY" SUBSECTION 1.c. AND IN THE DEFINITION OF HOUSING OFFICIAL, AND REPLACING THOSE REFERENCES WITH THE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT.

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 Department of Building, Zoning and Housing no longer exists in the City of Salisbury; and

WHEREAS, the responsibilities of these departments 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 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 15.20, 15.24, 15.28, and 15.36 of the City of Salisbury City Code be amended as follows:

Chapter 15.20 – Grading and Excavations.

15.20.030 – Application for permit - Contents.

Application forms for grading permits will be available at the **[[department of building, permitting and inspections]]***Department of Infrastructure and Development* and such other places as the **[[department of building, permitting and inspections]]***Department of Infrastructure and Development* shall direct. The form, when completed, shall provide sufficient information to identify the applicant, the place and nature of the work to be done, the steps or procedures to be taken to control erosion and sedimentation and the approximate beginning and ending time for soil earth moving. Acceptable standards and specifications for soil erosion and sediment control shall be available in the office of the Wicomico Soil Conservation District. Where developments are involved (commercial, industrial or two or more residential units or lots), the developer shall include in the application a grading and an erosion and sediment control plan designed by a professional engineer or a professional land surveyor registered in the state and a certificate that all land clearing, construction and development will be done pursuant to such plan.

15.20.040 – Approval of erosion and sediment control plans prior to issuance of permit – Applicability of state regulations.

Proposed steps and procedures to control erosion and sedimentation must be approved by the Wicomico Soil Conservation District prior to issuance of a grading permit by the **[[department of building, permitting and inspections]]***Department of Infrastructure and Development*, erosion and sediment control plans, when required, must be approved by the Wicomico Soil Conservation District. Issuance of a city grading permit does not eliminate the requirement for obtaining a Department of Natural Resources permit, if required under conditions specified by state law.

15.20.050 – Permit fee.

A minimum fee of one hundred dollars (\$100.00) will be fixed for the granting of grading permits by the city council, who shall have the right to adjust the same by resolution.

The funds appropriated may be expended or designated for the purpose of altering or improving downtown plaza, in an amount to be determined by the **[[public works director]]***Director of the Department of Infrastructure and Development*.

15.20.060 – Posting of surety bond.

When recommended by the department of building, permitting and inspections and approved by the city council, the permittee shall be required, prior to the issuance of a grading permit, to post with the city a cash deposit, performance bond from an approved corporate surety or other collateral acceptable to the city. The amount posted shall be sufficient to guarantee that, in the event that provisions of the permit are not completed satisfactorily or that the permit is canceled, the site can be restored to a condition meeting the minimum requirements of the standards for erosion control.

15.20.070 – Duration of permit – Extension.

A grading permit shall be valid for a period of one year from the date of issuance. Upon request and adequate justification of a permittee, the department of building, permitting and inspections may grant a six-month extension of validity.

15.20.080 – Notice to comply with provisions – Suspension of permit.

In the event that work performed does not conform to the provisions of the permit, to the approved plans and specifications or to any written instructions of the department of building, permitting and inspections, a written notice to comply shall be given to the permittee. Such notice shall set forth the nature of the corrections required and the time within which corrections shall be made. Failure to comply with such written notice shall be deemed justification for suspension of the permit, which will require that all work stop, except that necessary for correction of the violation. Upon correction of the violation, the permittee may apply for removal of the suspension.

15.20.100 – Duties of **[[department of building, permitting and inspections]]***the Department of Infrastructure and Development* – Inspections.

- A. The department of building, permitting and inspections of the city shall be responsible for detecting violations of this chapter, requiring compliance with provisions of approved grading permits and initiating appropriate action against offenders. The department of building, permitting and inspections shall make a final on-site inspection when the work covered by an application is reported completed and shall forward its report to the Wicomico Soil Conservation District.
- B. The permittee shall request the **[[department of building, permitting and inspections]]***Department of Infrastructure and Development* to make inspections at the following stages of work:
 - 1. Prior to **[[imitating]]***initiating* any grading operation, to inspect the natural site and to approve a written description of the supervision and construction control program;
 - 2. Upon completion of the preparation of the ground to receive fill, but prior to beginning any placement;

3. Upon completion of final grading, permanent drainage and erosion control facilities, but prior to any seeding, sodding or planting;
 4. Upon completion of installation of all vegetative measures and all work in accordance with the grading permit.
- C. The **[[department of building, permitting and inspections]]***Department of Infrastructure and Development* may make any additional inspections deemed necessary and may waive any of the inspections listed above, except the final on-site inspection. Inspections requested shall be completed within ten working days.

Chapter 15.24 – Housing Standards.

15.24.270 – General.

- B. No structure caused to be vacant by virtue of noncompliance with the provisions of this code shall be used again for human habitation without first obtaining a certificate of occupancy from the housing official. No noncomplying structure may be left vacant longer than six months. The City may at that time exercise condemnation and/or demolition. The cost or expense shall be assessed as a lien on the property and shall be entered on the tax records kept by the Director of **[[Internal Services]]***Finance* and shall be collectible as are taxes.

15.24.490 – General Definitions.

Building Official. The director of the **[[department of building, permitting and inspections]]***Department of Infrastructure and Development*, charged with the administration and enforcement of this chapter, or his duly authorized representative.

“Family” means and includes, subject to the exceptions stated below:

1.b.i.(D) The following lots are exempt from the occupancy restriction set for in subsection (1)(b)(i)(A) of this section: all dwelling units shown on an approved final comprehensive development plan; and where the total land area shown thereon is subject to a special exception granted by the board of zoning appeals prior to December 23, 2002; and for which the **[[director of building, housing and zoning]]***Director of the Department of Infrastructure and Development* has determined that the units were proposed and constructed primarily for student housing.

1.c. A group of not more than four persons who are approved by the **[department of neighborhood services and code compliance]]***Housing and Community Development Department* pursuant to Section 15.24.1620 as a “functional family.”

Housing Official. The director of the **[[department of neighborhood services and code compliance]]***Housing and Community Development Department*, charged with the administration and enforcement of this chapter, or his duly authorized representative.

15.24.1080 – Requirements and facilities.

- C. Dwelling Units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. Such facilities shall be connected to water system that at all times provides an adequate amount of running water under pressure and shall be connected to a sewer system in accordance with the rules and regulations of the State Department of Health and Department of **[[Public Works]]***Infrastructure and Development*.

15.24.1700 – Recorded as lien.

When the full amount due the city is not paid by such owner within thirty (30) days after notice of the amount due, the housing official shall cause to be recorded in the **[[internal services]]***finance* department for the city a sworn statement showing the cost and expenses incurred for the work, the administrative fee, the date the work was completed, and the location of the property upon which the work was done.

Chapter 15.28 – Numbering of Housing and Lots.

15.28.030 – Administration of street-numbering plan.

The director of **[[public works]]***infrastructure and development* shall be charged with the duty and responsibility of administering the street-numbering plan set forth in Section 15.28.010. To this end, the director of **[[public works]]***infrastructure and development* shall have the following powers:

- A. To make such changes in the basic plan of street numbering as may be required by reason of the lack of uniformity in the sizes of city blocks, the convergence of streets and the opening of new streets;
- B. To assign street numbers to all existing houses, buildings and vacant lots, including all subdivisions of land hereafter made, within the corporate limits of the city.

15.28.040 – Ascertain of correct street number.

Each owner of improved property within the city shall ascertain from the director of **[[public works]]***infrastructure and development* the correct street number to be displayed to be displayed upon his property as provided in Section 15.28.050.

Chapter 15.36 – Trailers.

15.36.030 – Special permit required for certain uses – Fee – Violations and penalties.

- A. A trailer may be used in the city for occasional or temporary sales promotion, office or advertising purposes, other than residential purposes, but only if a special permit is obtained from the **[[department of building, permitting and inspection]]***Department of Infrastructure and Development*. Such special permit shall have the following restrictions:
1. The permit shall be effective for thirty (30) days only and shall be renewed after that time;
 2. The permit shall be effective only for two days during each week of the thirty (30) day period;
 3. The trailer may not be used in a residential area;
 4. The trailer may not be parked on the street, but only on private property owned by the applicant or with the written permission of the owner and in compliance with setback requirements;
 5. There shall be no sound truck use except with an additional sound truck permit.
- B. The fee for each such permit shall be twenty-five dollars (\$25.00) and shall be paid to the director of **[[internal services]]***finance*.
- D. Violations of this chapter shall be tried before the judge of the district court for the county, who shall have authority to fix amounts of collateral to be posted by persons charged with such violations in order to insure their appearance for trial; provided, that such amounts shall not exceed the maximum fine prescribed in this section; and provided further, that all such collateral thus posted shall be forfeited if the person posting it shall fail to appear for trial. All such penalties and forfeitures imposed, fixed or declared by the judge of the district court for the county shall be disposed of in accordance with **[[Section 104 of Article 52]]***Courts and Judicial Proceedings Article § 7-302* of the Maryland Code Annotated **[[1957 Edition]]** and, upon receipt thereof by the director of **[[internal services]]***finance*, shall be credited by him to the general fund of the city.

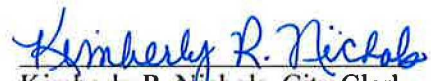
EXPLANATION:


- * *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.

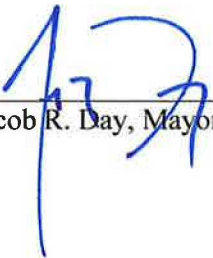
THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 11th day of September, 2017 and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the 9th day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