

ORDINANCE NO. 2748

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 1.16 OF THE SALISBURY CITY CODE, ENTITLED “INFRACTIONS AND CIVIL ZONING VIOLATIONS”, TO GRANT AUTHORITY TO ISSUE CITATIONS FOR MUNICIPAL INFRACTIONS OR CIVIL ZONING VIOLATIONS TO THE CITY’S DEPUTY FIRE MARSHAL AND FIRE INSPECTOR.

WHEREAS, the ongoing application, administration and enforcement of the Salisbury City Code demonstrates the need for periodic review, evaluation and amendment; and

WHEREAS, the City of Salisbury has adopted the State Fire Prevention Code subject to local amendments; and

WHEREAS, the City of Salisbury employs a Deputy Fire Marshal and Fire Inspector to enforce the City Fire Prevention Code; and

WHEREAS, the City of Salisbury desires to amend Chapter 1.16.100 of the Salisbury City Code for the purpose of granting the authority to issue citations for municipal infractions or civil zoning violations to the City Deputy Fire Marshal and to Fire Inspector.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 1. Chapter 1.16 of the Salisbury City Code, entitled “Infractions and Civil Zoning Violations”, be and is hereby amended by repealing the crossed-out language and adding the bolded and underlined language as follows:

Chapter 1.16 - INFRACTIONS AND CIVIL ZONING VIOLATIONS

1.16.100 - Waiver of fines—Authority to issue citations—Violations and penalties—Repealer.

- A. Those directors of departments authorized to administer and enforce this chapter have the privilege to waive any fine contained herein not imposed by any court if it can be established by uncontroverted evidence that the citation for the offense was issued erroneously.
- B. The following persons shall have the authority to issue citations for municipal infractions or civil zoning violations:
 - 1. Director of the department of Infrastructure and Development and any designee of the Director;
 - 2. Director of the Housing and Community Development Department and any designee of the Director;
 - 3. Director of the department of Water Works and any designee of the Director;
 - 4. Housing supervisor;
 - 5. Building inspector;
 - 6. Housing inspector;
 - 7. Zoning administrator;
 - 8. Plan examiner;
 - 9. Plumbing inspector;
 - 10. All city police officers;
 - 11. Director of the Department of Field Operations and any designee of the Director;
 - 12. Traffic superintendent;

13. Operations and maintenance superintendent;
14. Sanitation superintendent;
15. Safety Manager;
16. Chief or deputy chief of the city fire department;
17. Fire Marshal;
18. **Deputy Fire Marshal; and**
19. **Fire Inspector.**

- C. The violations of the following codes and ordinances are declared to be an infraction, and the penalty for such violation shall not exceed five hundred dollars (\$500.00) for each initial offense and shall not exceed one thousand dollars (\$1,000.00) for each repeat offense, and each day the violation continues shall constitute a separate offense:
1. International Building Code (2015) (IBC);
 2. International Residential Code (2015) (IRC);
 3. International Energy Conservation Code (2015) (IECC);
 4. International Mechanical Code (2015) (IMC);
 5. International Plumbing Code (2015) (IPC);
 6. International Fuel Gas Code (2015) (IFGC);
 7. International Existing Building Code (2015) (IEBC); and
 8. The city fire prevention code.
- D. The violations of the following codes and ordinances are declared to be civil zoning violations, and the penalty for such violation shall be five hundred dollars (\$500.00) for each initial offense and five hundred dollars (\$500.00) for each repeat offense:
1. Business, commercial or industrial use violations of the zoning code.
- E. The penalty provisions of any of the codes, ordinances or laws referred to in this section inconsistent with the penalty provisions of this chapter are repealed.

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.

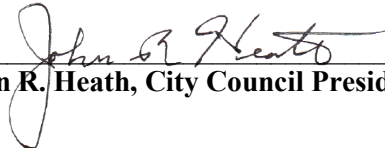
THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 10th day of October, 2022 and thereafter, a statement of the substance of the Ordinance having been published

as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the 24th day of October, 2022.

ATTEST:

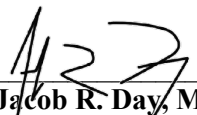


Kimberly R. Nichols, City Clerk



John R. Heath, City Council President

Approved by me, this 25th day of October, 2022.



Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

MEMORANDUM

To: Deputy Chief O'Barsky
From: Fire Marshal Cramer
Date: September 12, 2022
Re: Amendment to City Municipal Code Chapter 1.16

Please see the attached ordinance to amend Chapter 1.16 of the City Municipal Code, to grant the authority to issue fines to the Deputy Fire Marshal and Fire Inspector.

If you need anything else please reach out.