



**SALISBURY CITY COUNCIL  
WORK SESSION AGENDA**

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**DECEMBER 5, 2022**

**Government Office Building, Council Chambers and Zoom Video Conferencing**

- 4:30 p.m. Ordinance- to amend Chapter 1 of the City of Salisbury Municipal Code, granting the authority to require a new certificate of occupancy and inspection for any change of use, group, owner or tenant, and to clarify fire safety provisions regarding the fire marshal's enforcement powers- Building Official Bill Holland and Building Inspector Chad Goblinger
- 4:35 p.m. Ordinance- budget amendment to appropriate funds for the operation of the 2023 Maryland Folk Festival- Deputy City Administrator Andy Kitrow
- 4:40 p.m. Administration and Council Remarks
- 4:45 p.m. Adjournment

*Times shown are approximate. Council reserves the right to adjust the agenda as circumstances warrant.  
The Council reserves the right to convene in Closed Session as permitted under the Annotated Code of Maryland 3-305(b).*

Join Zoom Meeting  
<https://us02web.zoom.us/j/88186172560>

Meeting ID: 881 8617 2560

Phone: 1.301.715.8592

Posted: 11/30/22

# MEMO

To: Rick Baldwin, Director, DID

From: William T Holland

Date: 11/30/2022

Re: Building Code Amendment

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Rick, attached is an Ordinance amending Chapter 15.04 of the City Building Code. The amendment will require a new Certificate of Occupancy prior to the change of tenants for commercial type occupancies. Currently, the building code requires a new Certificate of Occupancy with the change in occupancy and use classification.

The purpose for this change is that on numerous occasions City Inspectors have discovered interior alterations have taken place with a change of tenants without required permits, inspections, or new Certificate of Occupancy. If a building permit is not required, a walk-through inspection is all that's required.

The proposed Ordinance includes amendments to the NFPA Life Safety Code referencing the City Fire Marshal's authority for all fire safety provisions.

Let me know if you have any question.

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 1 – THE INTERNATIONAL BUILDING CODE, SECTION 15.04.020 OF THE CITY OF SALISBURY MUNICIPAL CODE, GRANTING THE AUTHORITY TO REQUIRE A NEW CERTIFICATE OF OCCUPANCY AND INSPECTION FOR ANY CHANGE OF USE, GROUP, OWNER OR TENANT, AND TO CLARIFY FIRE SAFETY PROVISIONS REGARDING THE FIRE MARSHAL’S ENFORCEMENT POWERS.**

**WHEREAS**, the ongoing application, administration and enforcement of Title 15, Buildings and Construction, of the City of Salisbury Municipal Code demonstrates the need for periodic review, evaluation and amendment; and

**WHEREAS**, the Mayor and City Council may amend Chapter 15.04, Building Code, pursuant to the authority granted in SC 2-15 of the Salisbury City Charter and § 12-501, *et seq.*, of the Public Safety Article, Maryland Annotated Code; and

**WHEREAS**, the Mayor and Council find that the health, safety and general welfare of the citizens of the City will be furthered by amending section 15.04.020 of the Salisbury City Code to require a new certificate of occupancy and inspection for any change of use, group, owner or tenant, and to clarify fire safety provisions regarding the Fire Marshal’s enforcement powers.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY COUNCIL OF THE CITY OF SALISBURY, MARYLAND**, that Title 15 of the Salisbury City Code is hereby amended by adding the bolded and underlined language as follows:

**Section 1.** By amending Section 15.04.020 of the Salisbury City Code, entitled “Amendments to the International Building Code (2018)” as follows:

The following additions and deletions are made to the International Building Code (2018):

A. Chapter 1 delete Section 101.2.1 Appendices, and replace with the following: Paragraph 101.2.1 Appendix provisions on Appendix B. Building Board of Appeals and Appendix I. Patio Covers are adopted as part of the IBC.

B. Chapter 1 delete [A] 101.4.4 Property Maintenance.

C. Chapter 1 amend [A] 102.6 Existing Structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided for in this code, the International Existing Building Code, City of Salisbury Property Maintenance Code, or the NFPA Life Safety Code 101 (2018).

D. Chapter 1 delete [A] 105.2 Work exempt from permit: 2. Fences not over 7 feet (2134mm) high and replace with the following:

[A] 105.2 Work exempt from permit.

2. Fences less than fifty (50) lineal feet.

E. Chapter 1 add [A] 105.2.14 Work exempt from permit: 14. to read as follows: "Replacement windows, doors, vinyl/aluminum siding and custom trim."

F. Chapter 1 amend [A] 109.4 Work commencing before issuance of a permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits may be subject to a permit fee two times the amount of the original fee.

**G. Chapter 1 add Section [A] 111.1.1, Change of Use Group, Owner or Tenant. No change in use, group, owner or tenant of a building, structure or land shall be permitted, wholly or in part, until a new Certificate of Occupancy has been issued by the Building Official certifying**

46 compliance with applicable parts of this Chapter and other applicable State or local laws,  
47 ordinances, and regulations. This provision shall not apply to a change of tenant for R-2,  
48 change of owner or tenant for R-3, or change of tenant for R-4 structures.

49 H. Add Section [A] 104.1.1. Fire Safety Provisions. The Fire Marshal or the Fire Marshal's  
50 authorized representative shall enforce all fire safety provisions of this Code. Where  
51 references to fire safety provisions in this Code indicate the term "Building Official or Code  
52 Official," they shall be construed to refer to the Fire Marshal or the Fire Marshal's  
53 authorized representative. In any conflict of opinion concerning fire safety of a structure, the  
54 decision of the Fire Marshal shall control. In all other matters relating to structures, the  
55 decision of the Building Code Official shall control. The Fire Marshal shall be responsible for  
56 the final technical interpretation of all fire safety provisions within this Code.

57 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**  
58 **SALISBURY, MARYLAND,** as follows:

59 **Section 2.** It is the intention of the Mayor and Council of the City of Salisbury that each provision of  
60 this Ordinance shall be deemed independent of all other provisions herein.

61 **Section 3.** It is further the intention of the Mayor and Council of the City of Salisbury that if any  
62 section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional  
63 or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the  
64 section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall  
65 remain and shall be deemed valid and enforceable.

66 **Section 4.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as if  
67 such recitals were specifically set forth at length in this Section 4.

68 **Section 5.** This Ordinance shall take effect from and after the date of its final passage.  
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70 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of  
71 Salisbury held on the \_\_\_\_ day of \_\_\_\_\_, 2022 and thereafter, a statement of the substance of the  
72 Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the  
73 City of Salisbury on the \_\_\_\_ day of \_\_\_\_\_, 2022

74 **ATTEST:**

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78 \_\_\_\_\_  
79 **Kimberly R. Nichols, City Clerk**

\_\_\_\_\_ **John R. Heath, City Council President**

80 Approved by me, this \_\_\_\_ day of \_\_\_\_\_, 2022.  
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83 \_\_\_\_\_  
84 **Jacob R. Day, Mayor**



**To:** City Council  
**From:** Allen Swiger, Director of ABCD  
**Subject:** Budget Amendment for Maryland Folk Festival  
**Date:** 11/17/22

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The Department of Arts, Business and Culture is requesting consideration for an amendment to appropriate funds for the inaugural Maryland Folk Festival that is scheduled for September 24-26, 2023. These funds will be utilized for all facets of festival operations including staffing, production fee, artist fees, equipment, staging, lighting, and more.

The current forecast for the MDFF FY23 Revenues is as follows:

Event Revenues (Beverage, Merchandise)	60,000
Sponsorships, Donations,	447,500
Grants to be awarded	27,000
Grants previously awarded and accepted	65,000
<u>Transfer – General Fund</u>	<u>75,500</u>
Total	\$675,000

Since there are \$27,000 in grants expected but have not been yet awarded and Event Revenues may not be available at the time expenditures are required, the ordinance calls for a transfer of \$162,500 (\$75,500 + \$60,000 + \$27,000) from the General Fund to the NFF Special Revenue Fund. Note that the ordinance increases the appropriation for only \$610,000 since \$65,000 has already been appropriated in the grant fund.

The mission of the Maryland Folk Festival it to celebrate our community's rich artistic vibrancy and diversity by offering unique experiences to express cultural traditions through music, dance, food, crafts and other folk arts.

Attachment: Budget Amendment Ordinance

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT TO THE FY 2023 GENERAL FUND BUDGET AND THE GRANT FUND BUDGET FURTHER APPROPRIATING FUNDS FOR THE OPERATION OF THE 2023 MARYLAND FOLK FESTIVAL.**

**WHEREAS**, the City wishes to hold the inaugural Maryland Folk Festival in September of 2023 to celebrate our community’s rich artistic vibrancy and diversity by offering unique experiences to express cultural traditions through music, dance, food, crafts and other folk arts; and

**WHEREAS**, funds in the amount of \$675,000 will be needed to cover all facets of festival operations including, but not limited to, staffing, production fees, artist fees, equipment, staging, and lighting; and

**WHEREAS**, the \$675,000 in expenditures for the Maryland Folk Festival will be offset by a variety of revenue sources including, but not limited to, sponsorships, donations, grants and on-site revenue collected through alcohol and merchandise sales; and

**WHEREAS**, appropriations necessary to execute the purpose of this grant must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

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

**Section 1.** The City of Salisbury’s FY23 General Fund Budget be and hereby is amended as follows:

<b>Increase Decrease</b>	<b>Type</b>	<b>Account</b>	<b>Account Description</b>	<b>Amount</b>
Increase	Revenue	01000-69810	Current Year Surplus	162,500
Increase	Expense	91001-599105	Transfer Special Revenue Fund	162,500

**Section 2.** The City of Salisbury’s Grand Fund be and hereby is amended as follows:

<b>Increase Decrease</b>	<b>Type</b>	<b>Account</b>	<b>Account Description</b>	<b>Amount</b>
Increase	Revenue	10125-456124-xxxxx	Sponsorships	353,000
Increase	Revenue	10125-456400-xxxxx	Donations	72,500
Increase	Revenue	10125-456123-xxxxx	Vender Revenue	22,000
Increase	Revenue	10125-469110-xxxxx	Transfer In – General Fund	162,500
Increase	Expense	10125-xxxxxx-xxxxx	Operating and Other various	610,000

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

**Section 3.** 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 4.** 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 5.** 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 5.

**Section 6.** 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 \_\_\_ day of December, 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 \_\_\_ day of December, 2022.

**ATTEST:**

\_\_\_\_\_  
**Kimberly R. Nichols, City Clerk**

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**John R. Heath, City Council President**

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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**Jacob R. Day, Mayor**