

ORDINANCE NO 2759

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING SECTION 1.16.100 OF THE SALISBURY CITY CODE, ENTITLED “WAIVER OF FINES – AUTHORITY TO ISSUE CITATIONS – VIOLATIONS AND PENALTIES - REPEALER” TO ADD TO THE CATEGORIES OF PERSONS WITH THE AUTHORITY TO ISSUE CITATIONS FOR MUNICIPAL INFRACTIONS AND FURTHER AMENDING SECTION 8.04.050 OF THE SALISBURY CITY CODE ENTITLED “FALSE ALARMS – VIOLATIONS AND PENALTIES” TO CLARIFY DEPARTMENTAL RESPONSIBILITIES SPECIFIC TO FALSE ALARM FEES AND CITATIONS.

WHEREAS, the ongoing application, administration and enforcement of the City of Salisbury Municipal Code (the “**Salisbury City Code**”) demonstrates a need for its periodic review, evaluation and amendment, in order to comply with present community standards and values, and promote the public safety, health and welfare of the citizens of the City of Salisbury (the “**City**”);

WHEREAS, the Mayor and Council of the City of Salisbury (the “**Mayor and Council**”) are authorized by MD Code, Local Government, § 5-202 to adopt such ordinances, not contrary to the Constitution of Maryland, public general law or public local law, as the Mayor and Council deem necessary to assure the good government of the municipality, to preserve peace and order, to secure persons and property from damage and destruction, and to protect the health, comfort and convenience of the citizens of the City;

WHEREAS, the Mayor and Council may amend Section 1.16.100 of the General Provisions Title of the Salisbury City Code and Section 8.04.050 of the Health and Safety Title of the Salisbury City Code, pursuant to the authority granted in § SC 2-15 of the Salisbury City Charter;

WHEREAS, the Mayor and Council find that the health, safety and general welfare of the citizens of the City will be furthered by amending Sections 1.16.100 and 8.04.050 of the Salisbury City Code to clarify departmental responsibilities specific to false alarm fees and citations; and

WHEREAS, the Mayor and Council have determined that the amendments to Sections 1.16.100 and 8.04.050 of the Salisbury City Code shall be adopted as set forth herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Sections 1.16.100 and 8.04.050 of the Salisbury City Code are hereby amended by adding the bolded and underlined language and deleting the strikethrough language as follows:

Section 1. Section 1.16.100 of the Salisbury City Code, entitled “**Infractions and Civil Zoning Violations**” shall be amended 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 **and any designee of the Chief of Police;**
 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 **and any designee of the Chief or deputy chief of the city fire department;**
 17. Fire Marshal;
 18. Deputy Fire Marshall; 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.

Section 2. Section 8.04.050 of the Salisbury City Code, entitled “False alarms – Violations and penalties” shall be amended as follows:

Chapter 8 HEALTH AND SAFETY

8.04.050 False alarms—Violations and penalties.

A. If, within a calendar year, the Fire and/or Police Departments respond to more than two false alarms at the same location, response fees will be charged to the property owner, as defined by separate ordinance, in accordance with the fee schedule in effect at the time of the response. The Council of the City of Salisbury shall set the fee schedule from time to time as the Council deems appropriate. Prior to January 31st of each year, for the purpose of setting a fee schedule, the Police Department and Fire Department shall provide the Council with up-to-date response fees from each department.

Failure to pay said fees within ninety (90) days of the date on the notification of the violation will result in a lien against the real property until the fees are satisfied and shall be collectible in the same manner as real estate taxes and **shall** accrue interest and penalties, if applicable, as allowed for unpaid real estate taxes as well.

B. Newly installed and newly transferred alarm systems will be given a thirty (30) day grace period to allow for correction of equipment and user errors. During the thirty (30) day period, the alarm user will be allowed unlimited false alarms, as long as steps are being taken to correct any problems. The alarm company installing the new system or transferring a system shall notify the Police and Fire Departments in writing of the new installation or transfer, including the effective date, within ten days of the effective date.

C. The chief of police and the fire chief will maintain accurate records of false alarm ~~occurrences~~ **responses**. A bill will be sent by mailing said bill to the property owner of record of the subject location, the designated agent, if any, and the occupant of the property if known to the Director of Finance. The Director of Finance will send the bills for ~~occurrences one to five~~ false alarm ~~occurrences~~ **responses in accordance with the fee schedule in effect at the time of the response**. ~~The Director of Housing and Community Development Department will send the bills, when the number of occurrences is six or more.~~

D. If the false alarm bill remains unpaid for more than ninety (90) days, the Director of Finance shall place a lien against the subject real property by forwarding to the last known address of the owner as recorded in the real estate assessment records of the city by written notice, a notice of lien, and such receipt shall constitute a prima facie evidence of service upon such owner if it is signed either by the owner or by a person of suitable age and discretion located at such address. In the event that delivery of said notice of lien is refused by the property owner or his agent, then valid service may be accomplished by hand delivery of same to either the property owner or a person of suitable age and discretion employed or residing at the subject location or by posting the written notice in a conspicuous place in or about the structure or property affected by such notice.

E. Municipal Infraction. For any violation occurring after the fifth false alarm response by the same responding department within the same calendar year, the person owning and/or in control of the subject real property shall be guilty of a municipal infraction and shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each offense as established in the table listed below. Each false alarm response thereafter within the same calendar year shall constitute a separate offense. Notice and service of a citation shall be as directed under Local Government Article of the Maryland Annotated Code Section 6-101, et seq. and Section SC5-1(38), as amended, concerning municipal infractions. The Chief of Police, **and** the Fire Chief ~~and the Housing Official~~ are designated by the Council to direct the designated persons within their departments to act as enforcement officers for the purpose of preparing and carrying out the requirements for issuing and serving municipal infractions.

The amount of a fine shall be in accordance with the table below:

FALSE ALARM OCCURRENCE/FINE	POLICE	FIRE
6th	100.00	100.00
7th	200.00	200.00
8th	300.00	300.00
9th	400.00	400.00
10th	500.00	500.00

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.

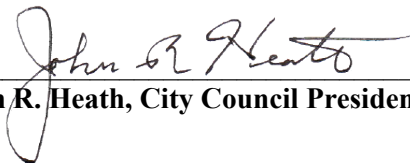
Section 6. This Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 28th day of November, 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 12th day of December, 2022

ATTEST:



Kimberly R. Nichols, City Clerk



John R. Heath, City Council President

Approved by me, this 13th day of December, 2022.



Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

MEMORANDUM

To: Julia Glanz, City Administrator
From: Ronald L. Strickler, Jr, Director of Housing and Community Development
Date: 11/14/2022
Re: False Alarm Code

The Director of Housing and Community Development requests the opportunity to introduce an Ordinance adjusting the responsibilities relating to the enforcement and subsequent Municipal infraction process for False Alarms. The ordinance removes Housing and Community Development from the municipal infraction portion of the code. HCDD is not involved in the response to false alarms which has created significant issues in court and testimony. Additionally, the general lack of involvement with the actual response has created extensive and sometimes duplicate work. This ordinance looks to correct and streamline the process to be more successful as well as more efficient.

Ronald L. Strickler Jr

Ronald Strickler, Jr
Director, Housing and Community Development