

ORDINANCE NO. 2763

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 2.12 OF THE SALISBURY CITY CODE, ENTITLED “DEPARTMENT OF INFRASTRUCTURE AND DEVELOPMENT”, FOR THE PURPOSE OF REMOVING THE AUTHORITY TO ENFORCE THE CITY FIRE PREVENTION CODE FROM THE DIRECTOR OF THE DEPARTMENT OF INFRASTRUCTURE AND DEVELOPMENT.

WHEREAS, the ongoing application, administration and enforcement of the City of Salisbury Municipal 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 had previously granted the authority to enforce the City Fire Prevention Code to the Director of Infrastructure and Development; and

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

WHEREAS, the City of Salisbury desires to amend Chapters 2.12.030 and 2.14.030 of the Salisbury City Code for the purpose of removing the authority to enforce the City Fire Prevention Code from the Director of the Department of Infrastructure and Development and the Director of the Housing and Community Development Department.

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

Section 1. Chapter 2.12 of the Salisbury City Code, entitled “Department of Infrastructure and Development”, be and is hereby amended by repealing the crossed-out language as follows:

2.12.030 - Powers and duties of director and department.

Under the authority of the mayor and the supervision of the city administrator, the director of the department of infrastructure and development is directed to enforce the city's building, electrical, gas, plumbing, zoning, ~~fire~~, mechanical and existing building codes and to carry out and perform all functions of the city as provided by such building, electrical, gas, plumbing, zoning, ~~fire~~, mechanical and existing building codes. ~~The City Fire Marshal shall report the results of the fire plan reviews and pre-occupancy functions to the Director of the Department of Infrastructure and Development.~~ The department of infrastructure and development shall have all the power and authority necessary to carry out its duties.

Section 2. Chapter 2.14. of the Salisbury City Code entitled “Housing and Community Development Department”, be and is hereby amended by repealing the crossed-out language as follows:

2.14.030 - Powers and duties of director and department.

Under the authority of the mayor and the supervision of the city administrator, the director of the Housing and Community Development Department is directed to enforce the city's housing, building, ~~fire~~ and zoning codes and to carry out and perform all functions of the city as provided by such housing, building, ~~fire~~ and zoning codes. The Housing and Community Development Department shall have all the power and authority necessary to carry out its duties.

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

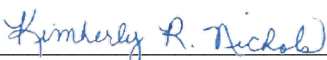
unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

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: Deputy Chief O'Barsky
From: Fire Marshal Cramer
Date: September 21, 2022
Re: Ordinance to amend Chapter 2.12 – Department of Infrastructure and Development

Chapter 2.12 of the City Municipal Code erroneously granted the authority to enforce the City Fire Prevention Code to the Director of Infrastructure and Development. The City had previously granted that authority to the Fire Department. Please see the attached ordinance that removes that authority from the Director.

Should you need anything else please reach out.