

**AS AMENDED ON JANUARY 9, 2023**  
**ORDINANCE NO. 2765**

**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 or structure shall be permitted, wholly or in part, until a new Certificate of Occupancy has been issued by the Building Official certifying**

compliance with applicable parts of this Chapter and other applicable State or local laws, ordinances, and regulations. This provision shall not apply to a change of tenant for R-2, change of owner or tenant for R-3, or change of tenant for R-4 structures. For purposes of this Section, "R-2", "R-3" and "R-4" shall be defined in accordance with the International Building Code (2018). Further, this provision shall not apply to any property used for a residential purpose, which shall be defined as a property designed to be lived in or otherwise providing living accommodations.

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

**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.

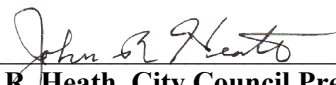
**Section 4.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 4.

**Section 5.** This Ordinance shall take effect from and after the date of its final passage.

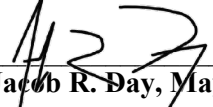
**THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 12th day of December, 2022 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the 9th day of January, 2023

**ATTEST:**

  
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**Kimberly R. Nichols, City Clerk**

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

Approved by me, this 12th day of January, 2023.

  
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**Jacob R. Day, Mayor**

# MEMO

To: Rick Baldwin, Director, DID  
From: William T Holland  
Date: 12/30/2022  
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.