

ORDINANCE NO. 2857

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 15.24 OF THE SALISBURY CITY CODE, ENTITLED "HOUSING STANDARDS", TO CLARIFY FIRE AND LIFE SAFETY PROVISIONS REGARDING THE FIRE MARSHAL AND THIS CODE.

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 a Fire Prevention Code codified in Chapter 8.11 of the City Code; and

WHEREAS, The City has appointed a Fire Marshal to enforce the Fire Prevention Code; and

WHEREAS, the City has determined Chapter 15.24 of the City Code, governing "Housing Standard" and referred to as the City's "Property Maintenance Code" must be amended to clarify the role of the City's Fire Marshal for enforcing fire and life safety requirements with respect to the City's Property Maintenance Code and to eliminate any conflicts between the Property Maintenance Code and the Fire Prevention Code.

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

Section 1. Chapter 15.24.020 of the Salisbury City Code be and is hereby amended by adding the bolded and underlined language as follows:

This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises by establishing minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners, operators, agents and occupants; regulating the occupancy of existing structures and premises, and providing for administration, enforcement and penalties. The existence of such nuisance conditions creates slums and blighted areas requiring corrective action. Additionally, the conditions may contribute to the spread of disease, crime, fire and loss of life. In the absence of corrective measures, such areas may experience a deterioration of social values, an impairment of economic values, a depreciation of assessable base and a curtailment of investment and tax revenues.

A. The Fire Marshal or the Fire Marshal's authorized representative shall enforce all fire and life safety provisions of this Code, except in one- and two-family dwellings. Where references to fire and or life safety provisions in this Code indicate the term "Housing 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 or life safety of premises, structures, equipment, and facilities, the decision of the Fire Marshal shall supersede. In all other matters relating to premises, structures, equipment, and facilities, the decision of the Housing Official shall supersede. The Fire Marshal shall be responsible for the final technical interpretation of all fire and life safety provisions within this code.

1. The Fire Marshal is authorized to enforce fire sprinkler regulations in one- and two-family dwellings.

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 February, 2024 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 26th day of February, 2024.

ATTEST:



Kimberly R. Nichols, City Clerk



D'Shawn M. Doughty, City Council President

Approved by me, this 25 day of March, 2024.



Randolph J. Taylor, Mayor



City of Salisbury

To: Deputy Chief O'Barsky

From: Fire Marshal Cramer

Subject: Amendment to City Municipal Code Chapter 15.24

Date: January 26, 2024

Please see the attached ordinance amending Chapter 15.24 of the City Municipal Code, clarifying the role of the Fire Marshal for enforcing fire and life safety requirements contained in the Housing Code and eliminating conflicts with the Fire Prevention Code.

Should you find it favorable, kindly forward to the City Council for consideration.