

ORDINANCE NO. 2897

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING TITLE 8 OF THE SALISBURY CITY CODE, ENTITLED “HEALTH AND SAFETY,” TO ALLOW FOR ELECTRONIC COMMUNICATION AS AN OPTION FOR WARNING LETTERS FOR MUNICIPAL CODE VIOLATION NOTICES.

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 to comply with present community standards and values and promote 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 Title 8 (Health and Safety) of the Salisbury City Code pursuant to the authority granted in § SC 2-15 of the Salisbury City Charter;

WHEREAS, the Housing and Community Development Department is moving its code enforcement process, rental registration program, and all department forms and applications to an online platform called OpenGov, which will allow for electronic communication via email with registered accounts in the platform;

WHEREAS, allowing delivery of warning letters for municipal code violations via electronic means will better serve the City and property owners, as it will provide for prompt notification, and will afford property owners ample opportunity to correct violations prior to the issuance of municipal infractions; and

WHEREAS, the Mayor and Council have determined that the amendments to Title 8 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 Title 8 – Health and Safety of the Salisbury City Code is hereby amended by adding the bolded and underlined language and deleting the strikethrough language as follows:

Section 1. Section 8.08.030 of the Salisbury City Code, entitled “Warning letter of violation” is amended as follows:

8.08.030 Warning letter of violation.

When a violation of Section 8.08.010 or 8.08.020 occurs, a warning letter of violation shall be sent to the owner or occupant of the property. This warning letter of violation shall:

- A. Be in writing;
- B. State the nature of the violation and that such condition constitutes a violation;
- C. Describe the premises where the violation is alleged to exist;
- D. For a first violation in any calendar year:

1. State that the condition must be removed from the property within ten days of the date of the notice,
2. State that the Housing and Community Development Department shall conduct a re-inspection of the property after ten days have passed since the date of the notice.

E. For a second violation in any calendar year:

1. State that the condition must be removed from the property within seven days of the date of the notice,
2. State that the Housing and Community Development Department shall conduct a reinspection of the property after seven days have passed since the date of the notice.

F. State that, if during the inspection of the premises, the violation complained of in the warning letter is found, it shall be abated by the city as soon as practicable, and the costs of such abatement shall be specially assessed and shall be deemed a personal debt against the owner and constitute a lien against the property from which abated;

G. State that upon violation of Section 8.08.010 or 8.08.020, the owner shall be guilty of a municipal infraction, and upon conviction shall be fined twenty-five dollars (\$25.00) for a first offense and fifty dollars (\$50.00) for each day the condition remains unabated up to a maximum of five hundred dollars (\$500.00);

H. Be served by one of the following methods:

1. By depositing the notice or order in the United States Post Office, ~~first-class~~ **first-class** postage prepaid, addressed to the owner at his last known address as recorded in the real estate assessment records of the city and by posting a copy of the notice or order in a conspicuous place on the property subject to the order;
2. By hand-delivering the notice to the person to be notified;
3. By leaving the notice at the usual residence or place of business of the person to be notified with a person of suitable age and discretion then resident or employed therein;
4. **Via electronic means if the owner has a registered account through the City's code enforcement software application platform; or**
5. **Via email if the owner has a registered e-mail address with the City.**

I. State that only two warning letters will be issued to the same property owner in any calendar year and that if further violations of this chapter occur, the condition causing a violation may be abated without notice

Section 2. Section 8.09.030 of the Salisbury City Code of the Salisbury City Code, entitled "Letter of violation" is amended as follows:

8.09.030 Letter of violation.

When a violation of Section 8.09.010 occurs, a letter of violation shall be sent to the owner or occupant of the property. This letter of violation shall:

- A. Be in writing;
- B. State the nature of the violation and that such condition constitutes a violation;
- C. Describe the premises where the violation is alleged to exist;
 1. State that the condition must be removed from the property within thirty (30) days of the date of the notice,
 2. State that the Housing and Community Development Department shall conduct a re-inspection of the property after thirty (30) days have passed since the date of the notice.
- D. State that the condition will be abated by the city if the violation remains uncorrected upon reinspection.
- E. State that cost of abatement shall be assessed against the property as a lien on the city tax records, and shall be collectible as a real property tax lien.

F. State that upon violation of Section 8.09.010, the owner shall be guilty of a municipal infraction, shall be fined one hundred dollars (\$100.00) for a first offense and one hundred dollars (\$100.00) for each day the condition remains unabated up to a maximum of five hundred dollars (\$500.00);

G. Service by one of the following methods:

1. By depositing the notice or order in the United States Post Office, ~~first-class~~ **first-class** postage prepaid, addressed to the owner at his last known address as recorded in the real estate assessment records of the city and by posting a copy of the notice or order in a conspicuous place on the property subject to the order;
2. By hand-delivering the notice to the person to be notified;
3. By leaving the notice at the usual residence or place of business of the person to be notified with a person of suitable age and discretion then resident or employed therein;
- 4. Via electronic means if the owner has a registered account through the City's code enforcement software application platform; or**
- 5. Via email if the owner has a registered e-mail address with the City.**

Section 3. Section 8.10.030 of the Salisbury City Code of the Salisbury City Code, entitled "Letter of Violation" is amended as follows:

8.10.030 Letter of violation.

When a violation of Section 8.10.010 occurs, a letter of violation shall be sent to the owner or occupant of the property. This letter of violation shall:

- A. Be in writing;
- B. State the nature of the violation and that such condition constitutes a violation;
- C. Describe the premises where the violation is alleged to exist;
 1. State that the condition must be removed from the property within thirty (30) days of the date of the notice,
 2. State that the Housing and Community Development Department shall conduct a re-inspection of the property after thirty (30) days have passed since the date of the notice.
- D. State that the condition will be abated by the city if the violation remains uncorrected upon reinspection.
- E. State that cost of abatement shall be assessed against the property as a lien on the city tax records, and shall be collectible as a real property tax lien.
- F. State that upon violation of Section 8.10.010, the owner shall be guilty of a municipal infraction, shall be fined one hundred dollars (\$100.00) for a first offense and one hundred dollars (\$100.00) for each day the condition remains unabated up to a maximum of five hundred dollars (\$500.00);
- G. Service by one of the following methods:
 1. By depositing the notice or order in the United States Post Office, first class postage prepaid, addressed to the owner at his last known address as recorded in the real estate assessment records of the city and by posting a copy of the notice or order in a conspicuous place on the property subject to the order;
 2. By hand-delivering the notice to the person to be notified;
 3. By leaving the notice at the usual residence or place of business of the person to be notified with a person of suitable age and discretion then resident or employed therein;
 - 4. Via electronic means if the owner has a registered account through the City's code enforcement software application platform; or**
 - 5. Via email if the owner has a registered e-mail address with the City.**

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

Section 4. 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.

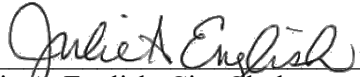
Section 5. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication 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 6. 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 6.

Section 7. 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 21 day of October, 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 12 day of November, 2024.

ATTEST:



Julie A. English, City Clerk



D'Shawn M. Doughty, City Council President

Approved by me, this 18 day of November, 2024.



Randolph J. Taylor, Mayor