

**ORDINANCE NO. 2905**

**AN ORDINANCE OF THE CITY OF SALISBURY AMENDING TITLE 12 OF THE SALISBURY CITY CODE, ENTITLED "STREETS, SIDEWALKS, AND PUBLIC PLACES", BY ELIMINATING SECTIONS 12.04.010, 12.04.020 AND 12.24.020, AND ADDING NEW CHAPTER 12.25 TO INCLUDE ALL LITTER VIOLATIONS UNDER ONE CHAPTER ENTITLED "LITTERING," AND FURTHER AMENDING TITLE 1 OF THE SALISBURY CITY CODE TO CONFIRM THE PENALTIES IMPOSED FOR MUNICIPAL INFRACTIONS AND MISDEMEANORS.**

**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 the public safety, health, and welfare of the citizens of the City of Salisbury (the "**City**");

**WHEREAS**, the Council of the City of Salisbury is 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 Council deems 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 Council of the City of Salisbury may amend the Salisbury City Code pursuant to the authority granted in § SC 2-15 of the Salisbury City Charter;

**WHEREAS**, § SC5-1 (38) of the Salisbury Charter provides that the City shall have the power to create enforcement ordinances such as misdemeanors and municipal infractions, and that a violation thereof shall not, *inter alia*, exceed a fine of one thousand dollars (\$1,000);

**WHEREAS**, Md. Code Ann., Local Gov't §§ 6-101 and 6-102 caps fines for municipal infractions and misdemeanors at one thousand dollars (\$1,000);

**WHEREAS**, sections 1.16.020 and 1.16.021 of the Salisbury City Code caps fines for municipal infractions and misdemeanors at five hundred dollars (\$500) and should be revised consistent with the Charter and State law;

**WHEREAS**, littering is a public nuisance, creates potential health and safety hazards, and creates unsanitary and unsightly conditions within the City;

**WHEREAS**, the littering that has occurred in tributaries of the Wicomico River in the City has caused significant dangers to public safety as the restriction of stormwater flow contributed to the flooding that led to US 13 being closed, which impacted the ability of the Salisbury Fire Department and the Salisbury Police to provide timely emergency response to the northside of the City;

**WHEREAS**, placing all litter violations under one chapter, with its own set of penalties, provides clarity and consistency throughout the Salisbury City Code;

**WHEREAS**, the Mayor and Council find that the health, safety, and general welfare of the citizens of the City will be furthered by amendments to Title 1 and Title 12 of the Salisbury City Code; and

**WHEREAS**, the Mayor and Council have determined that the amendments to Title 1 and Title 12 of the Salisbury City Code set forth below shall be adopted as set forth herein.

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

**Section 1.** Title 1 of the Salisbury City Code is hereby amended by eliminating the language that is marked with a strikethrough and adding the bolded and underlined language as follows:

**1.16.020 - Declaration as infraction or civil zoning violation—Violations and penalties.**

The council declares the violation of which ordinance or ordinances shall be infractions or civil zoning violations, and for each such violation, a fine shall be set. The fine shall not exceed **one thousand dollars (\$1,000)** ~~five hundred dollars (\$500.00)~~ for any single, initial infraction and shall not exceed **one thousand dollars (\$1,000)** ~~five hundred dollars (\$500.00)~~ for any single civil zoning violation. Each day the violation continues shall constitute a separate offense. The authority to declare infractions and civil zoning violations, and set fines shall not be delegated by the council to any other administrative or legislative body.

**1.16.021 - Misdemeanors—Violations and penalties.**

The council declares the violation of which ordinance or ordinances shall be misdemeanors, and for each such violation, a penalty shall be set. Every act or admission designated as a misdemeanor shall be punishable by a fine not exceeding **one thousand dollars (\$1,000)** ~~five hundred dollars (\$500.00)~~ or imprisonment for not more than ninety (90) days, or both. The party aggrieved shall have the right of appeal as is provided under the general laws of the state. Where the act or admission is of a continuing nature, conviction for one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

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

**Section 2.** Title 12 of the Salisbury City Code is hereby amended by eliminating the language that is marked with a strikethrough and adding the bolded and underlined language as follows:

~~Section 12.04.010 Throwing Litter into streets and sidewalks.~~

~~It is unlawful for any person to cast, throw or sweep into any of the streets, public alleys or sidewalks within the corporate limits of the city any trash, refuse, leaves or sweepings.~~

~~Section 12.04.020 Throwing or discharging from vehicles.~~

~~Any person who shall suffer or permit any garbage and refuse materials, including liquids derived therefrom, or any other odoriferous or unsanitary material to escape, fall or to be discharged from any vehicle upon any public street or way in the city shall be deemed guilty of a misdemeanor.~~

~~Section 12.24.020 Throwing litter into river prohibited.~~

~~No person shall throw into, deposit in or place where the same may fall or be washed into the Wicomico River or its tributaries within the corporate limits of the city any material, refuse or other matter of any kind detrimental to navigation or health.~~

**Chapter 12.25 – Littering**

**Section 12.25.010 - Prohibition of Littering on Streets and Sidewalks**

**Any individual who disposes of, casts, throws or sweeps trash, refuse, leaves or debris onto the streets, public alleys or sidewalks within the city limits shall be guilty of a municipal infraction and shall be subject to a fine not to exceed one thousand dollars (\$1,000) per violation. Each day the violation continues shall constitute a separate violation subject to an additional citation and fine.**

**Section 12.25.020 – Prohibition of Littering from Vehicles**

**Any individual who allows or causes any garbage, refuse materials, including liquids, or other foul or unsanitary substances to be released, spilled or discharged from a vehicle onto any public street or right-of-way within the city shall be guilty of a municipal infraction and shall be subject to a fine not to exceed one thousand dollars (\$1,000) per violation. Each day the**

**violation continues shall constitute a separate violation subject to an additional citation and fine.**

**Section 12.25.030 - Prohibition of Littering in the Wicomico River**

**Any individual or entity who throws, deposits or places any materials, refuse, or substances into the Wicomico River or its tributaries within the city limits that may harm navigation, restrict stormwater flow or negatively impact public health shall be guilty of a municipal infraction and shall be subject to a fine not to exceed one thousand dollars (\$1,000) per violation. Each day the violation continues shall constitute a separate violation subject to an additional citation and fine.**

**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.

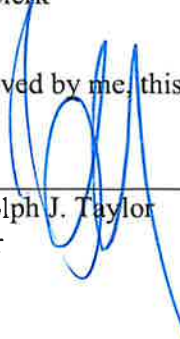
**THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 9 day of December, 2024 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the 16 day of December, 2024

**ATTEST:**

  
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Julie A. English  
City Clerk

  
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D'Shawn M. Doughty  
City Council President

Approved by me, this 19 day of December, 2024.

  
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Randolph J. Taylor  
Mayor

