



CITY OF SALISBURY

115 S. Division Street, Salisbury, MD, 21801

WORK SESSION

Government Office Building

125 N. Division Street, Room 301, Salisbury, MD, 21801

Monday, February 10, 2025, 6:00 p.m.

D'SHAWN M. DOUGHTY
Council President

ANGELA M. BLAKE
Council Vice President

APRIL R. JACKSON
Councilwoman

MICHELE R. GREGORY
Councilwoman

SHARON C. DASHIELL
Councilwoman

CALL TO ORDER

WELCOME/ANNOUNCEMENTS/PLEDGE

INVOCATION – Councilwoman April Jackson

Presentation – 2024 Operational Review of the Salisbury Fire Department – Fire Chief Rob Frampton

Ordinance to add and edit language regarding the counting method for false alarms – Fire Chief Frampton and Fire Marshal Eric Cramer

Ordinance approving a budget amendment of the FY2025 Water Sewer Capital Fund Budget to appropriate funds for the PFAS Study and Treatment – Water Works Director Cori Cameron

Ordinance authorizing a budget amendment of the FY2025 Water Sewer Capital Fund Budget to appropriate funds for the Elevated Water Tank Maintenance Project – Water Works Director Cori Cameron

Ordinance approving a budget amendment of the FY 2025 Water and Sewer Capital Project Fund Budget to appropriate funds to pay reimbursable project expenses ahead of loans anticipated to be made from the drinking water state revolving fund for the Naylor Mill Water Main Extension Project, a PFAS study at the Paleo Water Treatment Plant and a lead service line replacement project – Cori Cameron

Resolution making a Declaration of Official Intent regarding City of Salisbury's reasonable expectation to reimburse from proceeds of a future borrowing project expenditures made in connection with a project generally referred to as "Lead Service Line Replacement Phase I;" and generally relating thereto – Cori Cameron

Ordinance – amending Chapter 5.64 of the Salisbury City Code, entitled "Towing Companies", to update procedures for dispatching police directed towing, operations of a police directed tow on scene, and penalties for violations of the code - Chief Meienschein

PUBLIC COMMENT (AGENDA ITEMS ONLY)

ADJOURNMENT / CONVENE IN LEGISLATIVE SESSION

City Council Meetings are conducted in Open Session unless otherwise indicated. All or part of the Council's meetings can be held in Closed Session under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland General Provisions Article § 3-305(b) by vote of the City Council.

Posted 02/06/25



Memo

To: Andy Kitzrow, City Administrator
From: Rob Frampton, Fire Chief
Date: 1/14/2025
Subject: Ordinance Request

The Salisbury Fire Department is requesting an ordinance that will change the Salisbury City Code with regards to Fire Alarms. The department has a desire to clarify the Code on what is an "Alarm Site", what is meant by "Location", and how False Alarms are counted. The problem that currently exists is when there are multiple buildings on one alarm system and the need to clarify that this is one alarm system and not separate alarm systems for each building. This impacts how we count false alarms with regards to issuing fines for non-compliance or failure to correct a fire alarm issue. The need for this change was agreed upon by Legal and they have approved the attached Ordinance that will clarify this issue with regards to the counting of false alarms and what is meant by the location and alarm site. I look forward to your support and approval to request this be added to an upcoming agenda.

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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, in order to comply with present community standards and practices, and promote the 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 the Salisbury City Code pursuant to the authority granted in § SC 2-15 of the Salisbury City Charter;

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 8 of the Salisbury City Code; and

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

8.04.010 - Purpose and Definitions

The purpose of this chapter is to provide standards and regulations applicable to alarms such as burglar (intrusion), holdup (robbery) alarms, life safety alarms (fire detection, heat detection, smoke detection and water flow in occupancies), alarm companies, alarm agents and alarm users as defined in this chapter. It is the intent of this chapter to provide for the registration of alarm companies, and alarm systems, to control false alarms, to ensure the proper operation, maintenance, and use of alarm systems, to place a time limit on audible alarms and to provide penalties for violations of this chapter.

For the purpose of this chapter, the following words shall have the meanings ascribed to them:

"Alarm" means activation of any alarm system that indicates that a criminal activity, fire or fire-related emergency, or medical emergency is taking place. The alarm may be an audible alarm at or within the occupancy or it may be transmitted to a central monitoring station by electronic means.

42 "Alarm agent" means any person employed by an alarm company whose duties shall
43 include the altering, installing, maintaining, moving, repairing, replacing, selling, servicing,
44 responding, or causing others to respond, to an alarm system.

45 "Alarm company" means any person who engages in the business of altering, maintaining,
46 selling at retail, servicing or responding to an alarm system but does not include telephone
47 answering services which receive alarm activation signals and relay information to the Police or
48 Fire Department dispatch centers but do not function in any other manner.

49 "Alarm dispatch notification" means the process for notification of the Fire or Police
50 dispatch centers indicating that an alarm, either automatic or manual, has been activated at a
51 particular alarm site.

52 "Alarm signal" means the actual activation of an alarm system.

53 "Alarm site" means a single premise or location **with multiple premises** served by an
54 alarm system or systems.

55 "Alarm system" means any assembly of equipment, mechanical or electrical, device, or
56 series of devices, including, but not limited to, systems interconnected by radio frequency signals,
57 arranged or designed to signal an alarm indicating an unauthorized entry to, or criminal activity
58 requiring attention and to which the Police are expected to respond. It shall also mean an alarm
59 indicating fire, smoke, excessive heat, or sprinkler water flow in the occupancy by emitting or
60 transmitting a remote or local audible, visual, or electronic signal indicating an alarm condition
61 that requires immediate attention and to which the Fire Department is expected to respond. Alarm
62 system includes devices activated automatically, such as burglar alarms, fire, heat, or smoke
63 detectors, water flow alarms and devices activated manually, such as holdup alarms and individual
64 emergency pull stations. Alarm system does not include an alarm installed on a vehicle or an alarm
65 designed to alert only the occupants of a premise that does not have a sounding device that is
66 audible on the exterior of the alarm site.

67 "Alarm user" means any owner or lessor of any alarm system, the occupant of any dwelling
68 unit with an alarm system, each tenant using an alarm system in a multi-tenant occupancy, or any
69 person, firm, partnership, corporation, government or other entity which uses an alarm system at
70 an alarm site.

71 "Audible alarm system" means an alarm system, which utilizes an audible device such as
72 a siren, bell, horn, klaxon, etc., as a warning device when the alarm is activated.

73 "Automatic dialing device" means an alarm system, which automatically sends over a
74 regular telephone line, by, direct connection or otherwise, a prerecorded voice message indicating
75 the existence of the emergency situation that the alarm system is designed to detect.

76 "Cancellation" means verification from the alarm business or company that there is no
77 actual emergency at the alarm site and there is no further need for the Police or Fire Department
78 to respond.

79 "Central monitoring station" means any office, station, or telephone answering service
80 where trained employees monitor and/or receive emergency signals from alarm systems, and relay
81 messages from such signals by live voice to the City of Salisbury Police and Fire Department
82 telecommunications and dispatch center.

83 "City" means the City of Salisbury, Maryland.

84 "Control panel" means the on-site central processing unit designed to control, manage, and
85 operate an alarm system.

86 "Digital dialer" means a device that transmits digital signals from an alarm system to a
87 central monitoring station through the telephone network.

88 "Enhanced Call Verification" means that all central monitoring stations that handle
89 residential or commercial intrusion and/or burglar alarm activations shall make two phone calls in
90 an attempt to verify the validity of any monitored alarm activation.

91 "False alarm" means an alarm dispatch request to the Police or Fire Department, which
92 results in the responding officer(s) finding no evidence of a criminal offense, attempted criminal
93 offense, or an actual fire or medical emergency, after completing an investigation of the alarm site.

94 "Fire Chief" means the Chief of the Fire Department of the City of Salisbury, or his/her
95 designee.

96 "Fire Department" means the City of Salisbury Fire Department.

97 "Fire Department dispatch center" means the agency responsible for dispatching the Fire
98 Department for event response.

99 "Holdup alarm system" means an alarm system signaling a robbery or attempted robbery.

100 "Key box entry system" means a device designed to safely secure keys, or other
101 information, for use by Fire Department personnel to quickly gain access to the control panel.

102 "Keypad or touch pad" means a device that permits the control of an alarm system by the
103 manual entering of a coded sequence of numbers or letters.

104 **"Location" means an entire tract of land and includes tracts of land that contain**
105 **multiple buildings and/or multiple alarm systems.**

106 "Monitoring" means the process by which an alarm company receives signals from alarm
107 systems and relays an alarm dispatch notification to the dispatching agency for the purpose of
108 summoning fire, emergency medical services, and/or police personnel to respond to the alarm site.

109 "Opt Out" means the process by which a verified alarm user notifies the alarm company or
110 alarm agent that the alarm user has chosen to waive the Enhanced Call Verification (ECV) required
111 by this Chapter.

112 "Person" means any person, firm, partnership, association, corporation, company of any
113 kind.

114 "Police Chief" means the Chief of the Police Department of the City of Salisbury, or his/her
115 designee.

116 "Police Department" means the City of Salisbury Police Department.

117 "Proprietor" means any person who owns or controls the use of property in which an alarm
118 system is installed.

119 "Twelve (12) month period" means any calendar year.

120 "Verification" means the attempt by the alarm company or its representative/s to contact
121 the alarm site by telephone or other electronic means, whether or not actual contact with a person
122 is made, to corroborate, or verify, the information transmitted by the alarm signal.

"Written notice" means notice by certified mail, return receipt requested.

8.04.045 – Counting of False Alarms

An apartment complex or any other tract of land that contains multiple buildings and/or multiple alarm systems will be considered one single location for the purpose of counting the number of False Alarms that occur at a single location.

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 _____ day of _____, 2025 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 _____ day of _____, 2025

ATTEST:

Julie A. English
City Clerk

D'Shawn M. Doughty
City Council President

Approved by me, this _____ day of _____, 2025.

Randolph J. Taylor
Mayor



City of Salisbury

To: Andy Kitzrow, City Administrator
From: Cori Cameron, Director of Water Works
Date: January 15, 2025
Re: Budget Ordinance - PFAS Study and Treatment

The Department of Water Works is requesting consideration for a budget ordinance to move funds from Pay Go accounts for Restore Park Well Field project account 97030-513020-50031 into the PFAS Study and Treatment project account 97030-513026-50052. The funds will allow Water Works to fast track the PFAS Study in the Park Well Field which will include boring samples for deeper wells and evaluating the plant for PFAS treatment additions. Water Works would like to move forward with this project now so we can have a plan in place to apply for federal grant or low interest loan funds in January of 2026. January of 2026 will be the last year funds are specifically designated for PFAS projects through Maryland Water Infrastructure Financing Administration. In addition, these funds would allow us to move forward with the bench testing of the PFAS at the Paleo Plant.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET AMENDMENT OF THE FY2025 WATER SEWER CAPITAL FUND BUDGET TO APPROPRIATE FUNDS FOR THE PFAS STUDY AND TREATMENT.

WHEREAS, the City of Salisbury appropriated \$60,000 in Ordinance No. 2870 Schedule B of the FY24 Budget for the PFAS Study and Treatment Project and an additional \$175,000 is needed to finish the Project;

WHEREAS, the City of Salisbury has \$175,000.00 that can be appropriated to the Project in Account Nos. 97030-513020-50031 – Restore Park Well Field and 97030-513026-50031 – Restore Park Well Field, which can be transferred to the Water Sewer Capital Project budget; and

WHEREAS, the appropriations necessary to execute this budget amendment as provided hereinabove must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

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

Section 1. The City of Salisbury's FY2025 Water Sewer Capital Project Fund Budget be and hereby is amended as follows:

Increase Decrease	Account Type	Project Description	Account	Account Description	Amount
Decrease	Expense	Water/Sewer Capital Project	97030-513020- 50031	Restore Park Well Field	35,000
Increase	Expense	Water/Sewer Capital Project	97030-513026- 50052	PFAS Study and Treatment	35,000
Decrease	Expense	Water/Sewer Capital Project	97030-513026- 50031	Restore Park Well Field	140,000
Increase	Expense	Water/Sewer Capital Project	97030-513026- 50052	PFAS Study and Treatment	140,000

Section 2. The City of Salisbury's FY 2025 Water Sewer Capital Project Fund Budget be and hereby is further amended as follows:

Increase Decrease	Account Type	Project Description	Account Description	Account	Amount
Increase	Revenue	PFAS Study and Treatment	Transfer Water Sewer Revolving	97030-469162-50052	175,000
Decrease	Revenue	Restore Park Well Field	Transfer Water Sewer Revolving	97030-469162-50031	175,000

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33 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**
34 **SALISBURY, MARYLAND,** as follows:
35

36 **Section 3.** It is the intention of the Mayor and Council of the City of Salisbury that each provision
37 of this Ordinance shall be deemed independent of all other provisions herein.
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39 **Section 4.** It is further the intention of the Mayor and Council of the City of Salisbury that if any
40 section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid,
41 unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication
42 shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other
43 provisions of this Ordinance shall remain and shall be deemed valid and enforceable.
44

45 **Section 5.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as
46 if such recitals were specifically set forth at length in this Section 5.
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48 **Section 6.** This Ordinance shall take effect from and after the date of its final passage.
49

50 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of
51 Salisbury held on the _____ day of _____, 2025 and thereafter, a statement of the substance
52 of the Ordinance having been published as required by law, in the meantime, was finally passed by the
53 Council of the City of Salisbury on the _____ day of _____, 2025.
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55 **ATTEST:**
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59 _____
60 **Julie A. English, City Clerk**

_____ **D'Shawn M. Doughty, City Council President**

61 Approved by me, this _____ day of _____, 2025.
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64 _____
65 **Randolph J. Taylor, Mayor**



City of Salisbury

To: Andy Kitzrow, City Administrator
From: Cori Cameron, Director of Water Works
Date: January 15, 2025
Re: Budget Ordinance – Elevated Water Tank Maintenance

The Department of Water Works is requesting consideration for a budget ordinance to move funds from Paleo Ground Storage Tank project account 97030-513026-50046 into the Elevated Water Tank Maintenance project account 97030-513026-50016. The funds will allow Water Works to solicit bids to paint the Salisbury University Water Tower. The Paleo Ground Storage Tank was painted in 2024 and the Salisbury University Tower needs cleaning and painting. This tower holds two million gallons of the city's water supply so it is a little more expensive to do the maintenance. Preliminary bid estimates came in higher than the current account balance. The extra funds will help to complete the task.

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING A
BUDGET AMENDMENT OF THE FY2025 WATER SEWER CAPITAL
FUND BUDGET TO APPROPRIATE FUNDS FOR THE ELEVATED
WATER TANK MAINTENANCE PROJECT.**

WHEREAS, the City of Salisbury appropriated \$115,000 in Ordinance No. 2802 Schedule B of the FY24 Budget for the Elevated Water Tank Maintenance Project and it has been determined an additional \$70,000 is needed to finish the Project; and

WHEREAS, the City of Salisbury has \$70,000.00 that can be appropriated to the Project in Account No. 97030-513026-50046 – Paleo Ground Storage Tank, which can be transferred to the Water Sewer Capital Project funds for the Elevated Water Tank Maintenance Project; and

WHEREAS, the appropriations necessary to execute this budget amendment as provided hereinabove must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

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

Section 1. The City of Salisbury's FY2025 Water Sewer Capital Project Fund Budget be and hereby is amended as follows:

Increase Decrease	Account Type	Project Description	Account	Account Description	Amount
Decrease	Expense	Water/Sewer Capital Project	97030-513026- 50046	Paleo Ground Storage Tank	70,000
Increase	Expense	Water/Sewer Capital Project	97030-513026- 50016	Elevated Water Tank Maintenance	70,000

Section 2. The City of Salisbury's FY2025 Water Sewer Capital Project Fund Budget be and hereby is amended as follows:

Increase Decrease	Account Type	Project Description	Account Description	Account	Amount
Increase	Revenue	Elevated Water Tank Maintenance	Transfer Water Sewer Revolving	97030-469162-50016	70,000
Decrease	Revenue	Paleo Ground Storage Tank	Transfer Water Sewer Revolving	97030-469162-50046	70,000

32
33 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**
34 **SALISBURY, MARYLAND,** as follows:
35

36 **Section 3.** It is the intention of the Mayor and Council of the City of Salisbury that each provision
37 of this Ordinance shall be deemed independent of all other provisions herein.
38

39 **Section 4.** It is further the intention of the Mayor and Council of the City of Salisbury that if any
40 section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid,
41 unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication
42 shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other
43 provisions of this Ordinance shall remain and shall be deemed valid and enforceable.
44

45 **Section 5.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as
46 if such recitals were specifically set forth at length in this Section 5.
47

48 **Section 6.** This Ordinance shall take effect from and after the date of its final passage.
49

50 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of
51 Salisbury held on the _____ day of _____, 2025 and thereafter, a statement of the substance
52 of the Ordinance having been published as required by law, in the meantime, was finally passed by the
53 Council of the City of Salisbury on the _____ day of _____, 2025.
54

55 **ATTEST:**
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59 _____
60 **Julie A. English, City Clerk**

_____ **D'Shawn M. Doughty, City Council President**

61 Approved by me, this _____ day of _____, 2025.
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64 _____
65 **Randolph J. Taylor, Mayor**



City of Salisbury

To: Andy Kitzrow, City Administrator
From: Cori Cameron, Director of Water Works
Date: January 15, 2025
Re: Budget Amendment – Drinking Water State Revolving Fund Projects

The Department of Water Works has received notification from the Maryland Department of the Environment (MDE) that the City will receive \$6,742,060 from the Maryland Water Quality Financing Administration. These funds will be allocated for three projects through the Drinking Water State Revolving Fund (DWSRF) Bipartisan Infrastructure Law (BIL). The projects are: Naylor Mill Water Main project, PFAS Study at the Paleo Water Treatment Plant, and for Lead Service Line Replacements.

For State Revolving Fund projects, MDE Water Quality Financing Administration cannot formally approve the project until the project has been approved by the Maryland Board of Public Works (BPW). For projects involving design and construction, BPW review occurs after construction bids are received, thereby requiring forward funding of design. For projects that are studies, BPW review occurs after bids are received for the study.

In order to begin the design of the Naylor Mill Water Main Project, Ordinance No. 2842 was approved on January 2, 2024 and allocated \$718,250 for the design and administration. To date, \$246,900 has been encumbered, leaving \$471,350 available for future project expenditures.

The Department of Water Works worked with the Department of Finance to develop cash flow projections for the three DWSRF projects. The cash flow projections estimate when study, design and construction funds would be paid and subsequently reimbursed by MDE. The projections identified the need for additional funds for Naylor Mill construction, as well as the funding needed to initiate the PFAS Study and the Lead Service Line Replacement project. The attached budget amendment Ordinance provides forward funding for the three projects, ensuring the necessary funds are available for their continued progress. It is important to note that if any of the projects do not receive BPW approval, then the City will need to identify another source of funding, if the project is to continue.

Also attached is a resolution for the declaration of official intent (DOOI) for the Lead Service Line Replacement project to allow for reimbursement from proceeds of a future loan. The resolution was prepared by bond counsel and is needed since the Lead Service Line Replacement project is partially funded by low interest loans.

Unless you or the Mayor have further questions, please forward a copy of this memo and the attachments to the City Council.

Attachments:

1. Ordinance for budget amendment
2. Resolution for declaration of official intent
3. Maryland Department of the Environment Memorandum dated October 16, 2023
4. Maryland Department of the Environment Memorandum dated October 18, 2024

Department of Water Works
2322 Scenic Dr. Salisbury, MD 21801
ph: 410-548-3185 fax: 410-334-3035
www.salisbury.md

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET AMENDMENT OF THE FY 2025 WATER AND SEWER CAPITAL PROJECT FUND BUDGET TO APPROPRIATE FUNDS TO PAY REIMBURSABLE PROJECT EXPENSES AHEAD OF LOANS ANTICIPATED TO BE MADE FROM THE DRINKING WATER STATE REVOLVING FUND FOR THE NAYLOR MILL WATER MAIN EXTENSION PROJECT, A PFAS STUDY AT THE PALEO WATER TREATMENT PLANT AND A LEAD SERVICE LINE REPLACEMENT PROJECT.

WHEREAS, the City of Salisbury is eligible to receive \$6,742,060.00 in loan funding from the Maryland Water Infrastructure Financing Administration's Drinking Water State Revolving Fund (DWSRF) under the Bipartisan Infrastructure Law (BIL) for three projects listed below:

Loan Authorization	Type of Loan	Naylor Mill Water Main Extension	PFAS Study at Paleo WTP	Lead Service Line Replacement
FFY22 DWSRF BIL Emerging Contaminants	Loan Principal Forgiveness	\$ 2,762,822.00	\$ -	\$ -
FFY23 DWSRF BIL Emerging Contaminants	Loan Principal Forgiveness	\$ 2,112,088.00	\$ -	\$ -
FFY24 DWSRF BIL General Supplement	Loan Principal Forgiveness	\$ -	\$ 100,000.00	\$ -
FFY24 DWSRF BIL Lead Service Line (LSL)	Loan	\$ -	\$ -	\$ 441,787.00
FFY24 DWSRF BIL LSL	Loan Principal Forgiveness	\$ -	\$ -	\$ 1,325,363.00
Total		\$ 4,874,910.00	\$100,000.00	\$ 1,767,150.00

WHEREAS, the Naylor Mill Water Main Extension Project is necessary to serve the Naylor Mill Mobile Home Park with municipal water and the project will improve the City's water distribution system hydraulics, redundancy and water quality by extending the water distribution system to loop to the existing water mains in the Westwood Commerce Park; and

WHEREAS, the PFAS Study at the Paleo Water Treatment Plant is necessary to evaluate treatment alternatives for per- and polyfluoroalkyl substances (PFAS); and

WHEREAS, the Lead Service Line replacement project is necessary to replace water services to approximately 330 properties in the southwest quadrant of the City of Salisbury's water distribution system which is bounded by W Carroll St, Camden Ave, South Blvd, and Waverly Dr; and

WHEREAS, the Maryland Water Infrastructure Financing Administration will not close on the loan or loans for a project until the Maryland Water Infrastructure Financing Administration/Maryland Department of the Environment has approved study, design, administration and/or construction bids for such project, as applicable, and the Maryland Board of Public Works has approved loan funding for such project; and

WHEREAS, the Maryland Water Infrastructure Financing Administration will not seek Maryland Board of Public Works approval of loan funding for a project until the applicable study, design, administration and/or construction bids for such project have been approved; and

WHEREAS, expenses paid by the City for each project prior to closing on the loan funding for such project are eligible for reimbursement from loan proceeds; and

WHEREAS, due to the required Maryland Water Infrastructure Financing Administration, Maryland Department of the Environment and Maryland Board of Public Works approvals, the City must forward fund project expenses until closing on the applicable loan or loans; and

WHEREAS, if loan approval for a project is not obtained from the Maryland Board of Public Works, then the City hereby acknowledges that the City will need to find another source of funding to continue with such project; and

WHEREAS, Ordinance No. 2842 allocated \$718,250 of forward funding for the design and administration of the Naylor Mill Water Main Extension Project; and

WHEREAS, the additional necessary forward funding for each project has been estimated as \$250,000 for the Naylor Mill Water Main Extension Project, \$410,000 for Lead Service Lines replacement, and \$50,000 for the PFAS Study; and

WHEREAS, funds are available from surplus to be transferred from the Water and Sewer Fund as Pay GO to the Water and Sewer Capital Project Fund for the Projects; and

WHEREAS, the forward funding provided by the Water and Sewer Fund will be reimbursed by the Water and Sewer Capital Project Fund following loan closing for each project and the corresponding appropriations in the Water and Sewer Capital Project Fund will be canceled; and

WHEREAS, § 7-29 of the Salisbury City Charter prohibits the City from entering into a contract that requires an expenditure not appropriated or authorized by the Council of the City of Salisbury; and

WHEREAS, the appropriations necessary to execute the project study, design, construction and administration as provided hereinabove must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

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

Section 1. The City of Salisbury's FY 2025 Water and Sewer Capital Fund Budget be and hereby is amended as follows:

<u>Project</u>	<u>Type</u>	<u>Account</u>	<u>Account Description</u>		<u>Amount</u>
Water and Sewer Fund	Revenue	60100-469810	Use of Surplus	Increase	710,000
Water and Sewer Fund	Revenue	91002-599108	Transfer – Water and Sewer Capital Projects	Increase	710,000

Section 2. The City of Salisbury's FY 25 Water and Sewer Capital Project Fund Budget be and hereby is further amended as follows:

Naylor Mill Water Main	Revenue	97060-469161-50050	FFY22 DWSRF BIL Emerging Contaminants	Increase	250,000
Naylor Mill Water Main	Expense	97060-513026-50050	Construction	Increase	250,000
PFAS Study Paleo WTP	Revenue	97060-469161-TBD	FFY24 DWSRF BIL General Supplement	Increase	50,000
PFAS Study Paleo WTP	Expense	97060-513020-TBD	Engineering	Increase	50,000
Lead Service Line Replacement	Revenue	97060-469161-TBD	FFY24 DWSRF BIL Lead Service Line (LSL) Loan	Increase	410,000
Lead Service Line Replacement	Expense	97060-513026-TBD	Construction	Increase	260,000
Lead Service Line Replacement	Expense	97060-513020-TBD	Engineering	Increase	150,000

Section 3. The City of Salisbury's FY25 Water and Sewer Capital Project Fund Budget be and hereby is further amended as follows:

<u>Project</u>	<u>Type</u>	<u>Account</u>	<u>Account Description</u>		<u>Amount</u>
Naylor Mill Water Main	Revenue	97060-469323-50050	FFY22 DWSRF BIL Emerging Contaminants Loan Forgiveness	Increase	2,762,822
Naylor Mill Water Main	Revenue	97060-469324-50050	FFY23 DWSRF BIL Emerging Contaminants Loan Forgiveness	Increase	2,112,088
Naylor Mill Water Main	Expense	97060-513026-50050	Construction	Increase	4,874,910
PFAS Study Paleo WTP	Revenue	97060-469323-TBD	FFY24 DWSRF BIL General Supplement Loan Forgiveness	Increase	100,000
PFAS Study Paleo WTP	Expense	97060-513026-TBD	Construction	Increase	100,000
Lead Service Line Replacement	Revenue	97060-469320-TBD	FFY24 DWSRF BIL Lead Service Line (LSL) Loan	Increase	441,787
Lead Service Line Replacement	Revenue	97060-469323-TBD	FFY24 DWSRF BIL LSL Loan Forgiveness	Increase	1,325,363
Lead Service Line Replacement	Expense	97060-513026-TBD	Construction	Increase	1,767,150

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.

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 _____ day of _____, 2025 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 _____ day of _____, 2025.

ATTEST:

_____ Julie A. English, City Clerk	_____ D'Shawn M. Doughty, President Salisbury City Council
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APPROVED BY ME THIS _____ DAY OF _____, 2025:

Randolph J. Taylor, Mayor

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF CITY OF SALISBURY MAKING A DECLARATION OF OFFICIAL INTENT REGARDING CITY OF SALISBURY'S REASONABLE EXPECTATION TO REIMBURSE FROM PROCEEDS OF A FUTURE BORROWING PROJECT EXPENDITURES MADE IN CONNECTION WITH A PROJECT GENERALLY REFERRED TO AS "LEAD SERVICE LINE REPLACEMENT PHASE 1;" AND GENERALLY RELATING THERETO.

RECITALS

WHEREAS, City of Salisbury, a municipal corporation of the State of Maryland (the "City"), is in the process of undertaking a project generally referred to as "Lead Service Line Replacement Phase 1" (the "Project"); and

WHEREAS, the City anticipates borrowing money for costs of the Project, such borrowing to be evidenced by one or more series of general obligation bonds or other evidences of indebtedness to be issued by the City (collectively, or individually by series, the "Bonds"); and

WHEREAS, the Maryland Water Infrastructure Financing Administration ("MWIFA") has preliminarily indicated that it can make two loans to the City for project purposes, one such loan to be evidenced by a general obligation bond issued to MWIFA the interest on which will be excludable from gross income for purposes of Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), and the other such loan to be evidenced by a general obligation bond issued to MWIFA that is subject to principal forgiveness and, therefore, will not be issued on a tax-exempt basis for purposes of the Code; and

WHEREAS, the general obligation bond issued by the City to MWIFA on a tax-exempt basis for purposes of Section 103 of the Code is expected to be issued in an original principal amount not to exceed \$441,787 and the general obligation bond issued by the City to MWIFA on a taxable basis for purposes of Section 103 of the Code is expected to be issued in an original principal amount not to exceed \$1,325,363; and

WHEREAS, in the event the City is not able to borrow from MWIFA all of the anticipated loan funds to finance, reimburse or refinance costs of the Project, the City reasonably anticipates that it will have to borrow money for costs of the Project from another available source, and that such borrowing will be evidenced by one or more Bonds issued by the City; and

WHEREAS, prior to issuing any Bonds to MWIFA or another lender or purchaser, it may be necessary to incur one or more borrowings in order to finance costs of the Project on an interim basis; and

Underlining : Indicates material added by amendment after introduction
~~Strike-through~~ : Indicates material deleted by amendment after introduction

WHEREAS, the City reasonably expects to spend City funds on costs of the Project prior to issuance of the Bonds to MWIFA (or to any other lender or purchaser in the event MWIFA is not able to provide all of the desired loan funding), and (i) to reimburse the City from proceeds of the Bonds for all or a portion of such moneys expended, and/or (ii) to use Bond proceeds to refinance all or a portion of any interim borrowing incurred or issued by the City that is applied to reimburse the City for all or a portion of such prior expenditures for costs of the Project; and

WHEREAS, Section 1.150-2 of the U.S. Treasury Regulations (the “Reimbursement Regulations”) provides that a local government funding “original expenditures” intended to be reimbursed from the proceeds of tax-exempt “obligations” must make a declaration of “official intent” in order to qualify such original expenditures for reimbursement from a “reimbursement bond,” all within the meaning of the Reimbursement Regulations; and

WHEREAS, the City is an “issuer” for purposes of the Reimbursement Regulations and the Council of the City wishes to adopt this Resolution for the purpose of evidencing the clear and official intent of the City to reimburse from tax-exempt reimbursement bond proceeds (meaning the Bonds or any interim financing incurred or issued in anticipation of the Bonds) original expenditures made in connection with the Project.

SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that:

(a) The Recitals to this Resolution are deemed a substantive part of this Resolution and are incorporated by reference herein, and capitalized terms defined in the Recitals to this Resolution and not otherwise defined herein will have the meanings given to such terms in the Recitals hereto.

(b) The name used for the Project in this Resolution is the name by which the Project is generally identified in the applicable materials of the City. It is hereby expressly recognized that expenditures for the Project and/or issuance of any Bonds or of any interim financing incurred or issued in anticipation of any Bonds may occur in the current fiscal year or a subsequent fiscal year. References in this Resolution to the Project shall be deemed to (i) be to the Project as it may be referred to by a similar but not the exact same name in applicable City materials, including any City budget or City capital improvement plan, and (ii) include any changes in the scope of activities of the Project and/or the name of the Project made by the City in accordance with applicable law, including (without limitation) in future fiscal years. References in this Resolution to costs of the Project shall be deemed to be to expenditures that constitute capital expenditures and, to the extent applicable, (i) costs of issuance of any borrowing relating to the Project and (ii) capitalized interest.

SECTION 2. AND BE IT FURTHER RESOLVED that in accordance with the Reimbursement Regulations, the City hereby makes this declaration of its reasonable expectation to expend money on costs of the Project prior to the issuance of the Bonds (or any interim financing incurred or issued in anticipation of the Bonds) and to use proceeds of the tax-exempt Bonds (or of any such interim financing), which tax-exempt Bonds and/or interim financing will qualify as a “reimbursement bond” for purposes of the Reimbursement Regulations, to reimburse all or a

portion of such original expenditures made with respect to the Project. This Resolution is intended to be a declaration of official intent within the meaning of the Reimbursement Regulations.

SECTION 3. AND BE IT FURTHER RESOLVED that the maximum principal amount of the tax-exempt Bonds to be issued for the Project (and the maximum principal amount of any interim financing to be incurred or issued by the City in anticipation of the tax-exempt Bonds issued for the Project) is \$441,787.00 (in each such case).

SECTION 4. AND BE IT FURTHER RESOLVED that the provisions of this Resolution shall be liberally construed in order to effectuate the purposes of this Resolution.

SECTION 5. AND BE IT FURTHER RESOLVED that this Resolution may be executed (i) in counterparts and/or (ii) to the extent not prohibited by applicable law, by electronic, stamped or facsimile signature, and all executed counterparts of this Resolution shall be treated as one and the same resolution.

SECTION 6. AND BE IT FURTHER RESOLVED that this Resolution shall become effective upon adoption by the Council and approval by the Mayor. Pursuant to Charter Section SC7-46A, this Resolution may not be petitioned to referendum.

THIS RESOLUTION was introduced and duly adopted at a meeting of the Council of the City of Salisbury held on the _____ day of _____, 2025.

ATTEST:

Julie A. English, City Clerk

D'Shawn M. Doughty, President
Salisbury City Council

APPROVED BY ME THIS _____ DAY OF _____, 2025:

Randolph J. Taylor, Mayor



MEMORANDUM

To: Cori Cameron, Director of Water Works, City of Salisbury, MD

From: Jeffrey Fretwell, MD Water Infrastructure Financing Administration Director

Date: October 16, 2023

Subject: Notification of FFY 2023 Drinking Water State Revolving Fund (DWSRF) Intended Use Plan (IUP) Funding

The Maryland Infrastructure Financing Administration (MWIFA) identified the project(s) listed below on the FFY 2023 DWSRF IUP for financing in the amount(s) shown¹.

Project Name: NAYLOR MILL MHP WATER SYSTEM EXTENTION AND PFAS REMEDIATION		
Program	Loan	Loan Principal Forgiveness
FFY23 DWSRF Base	\$0	\$0
FFY23 DWSRF BIL Gen Supp	\$0	\$0
FFY22 DWSRF BIL Emerging Contaminants	\$0	\$2,762,822
FFY23 DWSRF BIL Emerging Contaminants	\$0	\$2,112,088
FFY22 DWSRF BIL Lead Service Line Repl.	\$0	\$0
FFY23 DWSRF BIL Lead Service Line Repl.	\$0	\$0
Notifications of State grant funding to FFY 2023 DWSRF IUP projects will be made in Spring 2024.		

This is not a commitment to lend. Final loan and loan principal forgiveness amounts will be determined based on the MWIFA-approved project budget. All programmatic requirements MUST be completed and BPW approval received prior to receiving any SRF funding.

The MWIFA SRF Funding Coordinator for the project(s) listed above is MiYarnie Johnson; please contact him at miyarnie.johnson@maryland.gov with questions or concerns regarding this letter, the attached programmatic requirements, and/or the funding process.

Please be aware of the following:

- Enclosed are the programmatic requirements that must be completed prior to loan closing.

¹ MWIFA may provide additional loan funding for the project if the need arises and as capacity allows.

- Loan term is up to 30 years (up to 40 years for Disadvantaged Communities), not to exceed the useful project life as determined by the State.
- Interest rates are calculated based on the monthly average Bond Buyer 11-Bond Index (BB11-BI); the Standard Rate is equal to 50% of the average BB11-BI and the Disadvantaged Community interest rate is equal to 25% of the average BB11-BI. The interest rate for the project(s) listed above will be set based on the BB11-BI of the month preceding the loan closing. For loans that closed in Fiscal Year 2023, the Standard Rate ranged from 1.60% to 1.90% and the Disadvantaged Community Rate ranged from 0.80% to 0.90%.
- MWIFA will review the borrower's financial condition to determine if there is sufficient coverage to repay debt on the aforementioned loan(s). Please provide the three most recent years of audited financial statements, a schedule of water and sewer rates, any relevant information regarding debt commitments or factors that impact the borrowing entity's financial condition, and the dedicated source(s) of revenue for repayment for SRF financing of the project(s) to the funding coordinator.
- The Administrative Fee is 5% of the total debt service divided by 30, collected in equal annual installments over the life of the loan. This is equivalent to an interest rate impact of ~35 basis points.

Please note that the demand for SRF funding is extremely high; therefore,

- Please notify your funding coordinator as soon as possible if you choose to decline the SRF funding.
- **Projects identified for funding are expected to start construction by December 2024 in accordance with the application you submitted; funding may be deleted from projects that do not proceed to construction by this time.** The applicant will be notified of this action and will have an opportunity to reapply for future financial assistance. Notify your funding coordinator of schedule delays.

We look forward to working with you throughout the loan origination process.

Enclosure: Programmatic Requirements

Cc: Andrew Kitzrow, Ron Clapper, Amanda Pollack
Elaine Dietz, MWIFA
Paul Emmart and MiYarnie Johnson, MWIFA Capital Planning & Finance Division
Tonya Randall and Emmanuel Osadebe, MWIFA Capital Planning Contract Division
Shauna Lu, MWIFA Accounting Unit
Larry Love and Richard Pencek, MWIFA Underwriting
Mehdi Majedi, Sunita Boyle, and Brandon Choi, Engineering Capital Projects Program
Mary R. Sheppard and Rebecca B. Reske, MD Office of the Attorney General



Maryland

Department of the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary

MEMORANDUM

To: Cori Cameron, Director of Water Works (via email)

From: Jeffrey Fretwell, MD Water Infrastructure Financing Administration Director

Date: October 18, 2024

Subject: Notification of FFY 2024 Drinking Water State Revolving Fund (DWSRF) Intended Use Plan (IUP) Funding

The Maryland Infrastructure Financing Administration (MWIFA) identified the project(s) listed below on the FFY 2024 DWSRF IUP for financing in the amount(s) shown¹.

Project Name: PFAS Study at Park WTP		
Program	Loan	Loan Principal Forgiveness
FFY24 DWSRF Base	\$0	\$0
FFY24 DWSRF BIL Gen Supp	\$0	\$100,000
FFY24 DWSRF BIL Emerging Contaminants	\$0	\$0
FFY24 DWSRF BIL Lead Service Line Repl.	\$0	\$0
Notifications of State grant funding to FFY 2024 DWSRF IUP projects will be made in Spring 2025.		

Project Name: PFAS Study and Filter Replacement at Paleo Water Treatment Plant in the City of Salisbury, MD		
Program	Loan	Loan Principal Forgiveness
FFY24 DWSRF Base	\$0	\$0
FFY24 DWSRF BIL Gen Supp	\$0	\$100,000
FFY24 DWSRF BIL Emerging Contaminants	\$0	\$0
FFY24 DWSRF BIL Lead Service Line Repl.	\$0	\$0
Notifications of State grant funding to FFY 2024 DWSRF IUP projects will be made in Spring 2025.		

¹ MWIFA may provide additional loan funding for the project if the need arises and as capacity allows.

Project Name: LSL Replacement Phase 1		
Program	Loan	Loan Principal Forgiveness
FFY24 DWSRF Base	\$0	\$0
FFY24 DWSRF BIL Gen Supp	\$0	\$0
FFY24 DWSRF BIL Emerging Contaminants	\$0	\$0
FFY24 DWSRF BIL Lead Service Line Repl.	\$441,787	\$1,325,363
Notifications of State grant funding to FFY 2024 DWSRF IUP projects will be made in Spring 2025.		

This is not a commitment to lend. Final loan and loan principal forgiveness amounts will be determined based on the MWIFA-approved project budget. All programmatic requirements MUST be completed and BPW approval received prior to receiving any SRF funding.

Please be aware of the following:

- Enclosed are the programmatic requirements that must be completed prior to loan closing.
- Loan term is up to 30 years (up to 40 years for Disadvantaged Communities), not to exceed the useful project life as determined by the State.
- Interest rates are calculated each month, based on the average Bond Buyer 11-Bond Index (BB11-BI), with the Standard Rate equal to 50% of the average BB11-BI; the Disadvantaged Community interest rate is equal to 25% of the average BB11-BI. The interest rate for the projects listed above will be set based on the BB11-BI of the month preceding the loan closing. For loans that closed in Fiscal Year 2024, the Standard Rate ranged from 1.60% to 2.00% and the Disadvantaged Community Rate ranged from 0.80% to 1.00%.
- The Administrative Fee is 5% of the total debt service divided by the total number of scheduled Administrative Fee payments, collected in equal annual installments over the life of the loan.
- MWIFA will review the borrower's financial condition to determine if there is sufficient coverage to repay debt on the aforementioned loan(s). Please provide the three most recent years of audited financial statements, a schedule of water and sewer rates, any relevant information regarding debt commitments or factors that impact the borrowing entity's financial condition, and the dedicated source(s) of revenue for repayment for SRF financing of the project(s) to Gerald Gorham, Jr., MWIFA's underwriter, at gerald.gorham@maryland.gov

The MWIFA SRF Funding Coordinator for the projects listed above is MiYarnie Johnson; please contact him at miyarnie.johnson@maryland.gov with any questions or concerns regarding this letter, the attached programmatic requirements, and/or the funding process.

Please note that the demand for SRF funding is extremely high; therefore,

- Please notify your funding coordinator as soon as possible if you choose to decline the SRF funding.
- **Projects identified for funding are expected to start construction by the end of December 2025 in accordance with the application you submitted.** Notify your funding coordinator of schedule changes.

Please feel free to contact us with any questions or concerns regarding this letter, the attached programmatic requirements, and/or the loan origination process. We look forward to working with you throughout the loan origination process.

Enclosure: Programmatic Requirements

Cc: Andrew Kitzrow and Ron Clapperr, City of Salisbury
 Amanda Pollack, Center for Watershed Protection
 Elaine Dietz, MWIFA
 Paul Emmart and MiYarnie Johnson, MWIFA Capital Planning & Finance Division
 Tonya Randall and Emmanuel Osadebe, MWIFA Capital Planning Contract Division
 Shauna Lu, MWIFA Accounting Unit
 Gerald Gorham, Jr., MWIFA Underwriting
 Mehdi Majedi, Sunita Boyle, and Matthew Marshall, Engineering Capital Projects Program
 Mary R. Sheppard and Rebecca B. Reske, MD Office of the Attorney General



City of Salisbury

MEMORANDUM

TO: Mayor and City Council of The City of Salisbury

FROM: Captain John T. Felts

SUBJECT: Tow Code Revision

DATE: January 9th, 2025

Mayor and Council of The City of Salisbury,

In review of the current licensing code for towing at the request of The City of Salisbury it was determined that a revision of the towing code brought to council August 16th, 2022 inadvertently removed wording specific to the suspension of the tow license for violations of the code. The current code does not specify, other than for response declinations, when The Chief of Police may suspend the towing license issued by The City of Salisbury. The Salisbury Police Department seeks to return wording to the code that specifies when and for which violations of the code that The Chief of Police may suspend a tow license issued by The City of Salisbury. The proposed changes also seek to clarify the duration of suspension associated with single or repeated violations of the code. The Salisbury Police Department also seeks to include language that clarifies when and for what duration after being convicted of, or serving a sentence for specified crimes that an applicant shall be eligible for the granting of a tow license to tow at the request of the City. Included recommendations also provide an avenue for tow companies to charge a fee for the time spent on crash scene cleanup, that is deemed to be outside of what is typically required, and for council to periodically set the rates for this time. Please forward these recommendations for consideration.

Respectfully

Captain John T. Felts

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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, in order to comply with present community standards and practices, and promote the public safety, health and welfare of the citizens of the City of Salisbury (the “**City**”);

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, in order 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 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 5 of the Salisbury City Code pursuant to the authority granted in § SC 2-15 of the Salisbury City Charter;

WHEREAS, the Mayor and Council find that the health, safety and general welfare of the citizens of the City will be furthered by amending Chapter 5.64 of the Salisbury City Code to update procedures for dispatching police directed towing, operations of a police directed tow on scene, and penalties for violations; and

WHEREAS, the Mayor and Council have determined that the amendments to Chapter 5.64 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, that Chapter 5.64 of the Salisbury City Code is hereby amended by adding the bolded and underlined language and deleting the strikethrough language as follows:

Section 1. Chapter 5.64 of the Salisbury City Code, entitled “Towing Companies” is amended as follows:

5.64.040 Investigation and approval/disapproval of owner/applicant and towing company requirements.

The Director of Finance, after the receipt of an application for a police directed tow license or renewal license, shall forward the same to the chief of police or his designee for the investigation and inspection for compliance with the following requirements. These requirements shall apply to all owner/applicants, towing companies, and employees and agents of towing companies when operating pursuant to a police directed tow license:

- A. Each owner/applicant and towing company must have a minimum of three years towing experience unless they had a towing license issued by the city on or before December 31, 2010.

- 42 B. A towing company shall operate its business within the city in compliance with every
43 applicable provision of state law. A tow truck operator may not operate a tow truck
44 within the city unless the tow truck is registered in accordance with Section 13-920 of
45 the Transportation Article of the Annotated Code of Maryland.
- 46 C. The owner/applicant, towing company and its employees and agents must have, located
47 on the towing vehicle, a set of dollies or other means to remove a vehicle with one or
48 more missing or damaged wheels.
- 49 D. The owner/applicant, towing company and its employees and agents must have
50 operational fire extinguishers, flares and reflectors located on the towing vehicle.
- 51 E. The owner/applicant, towing company and its employees and agents must have hand
52 tools sufficient to clean scenes of minor debris, including, but not limited to, broom(s),
53 shovel(s), absorbent material, and debris disposal container(s) located on the towing
54 vehicle.
- 55 F. The towing vehicles of the owner/applicant and the towing company, when inspected
56 and operated, must be in good mechanical condition, equipped with necessary towing
57 gear and safety apparatuses and be registered as class E (truck) vehicles — tow trucks
58 with the department of motor vehicles.
- 59 **G. Proof of compliance with the required annual Department of Transportation**
60 **inspection shall be provided upon submittal of the yearly tow license application**
61 **and at any such time as requested by a duly authorized representative of the City**
62 **having been tasked with inspections or enforcement of the City's towing**
63 **regulations.**
- 64 H. The owner/applicant and towing company must maintain adequate off-street storage
65 facilities in conformance with Title 17 (Zoning). The storage facilities must have
66 adequate fencing to ensure that persons cannot climb over or under the fence, and said
67 fence must be secured with a lockable gate. Further, said storage facilities must be
68 protected at night by security lights.
- 69 I. The owner/applicant shall submit to a criminal background investigation which shall
70 include the completion of an affidavit portion and a fingerprinting component. All costs
71 associated with this investigation shall be paid by the owner/applicant.
- 72 J. The chief of police or his designee shall promptly approve or disapprove all applications
73 in writing, and shall report his findings to the Director of Finance and the
74 owner/applicant, pending the results of the criminal background check which includes
75 an affidavit and fingerprinting. A felony conviction or a plea of nolo contendere
76 involving a Part I crime within three years of the date of the application will
77 automatically disqualify the applicant. If the chief of police approves the application, the
78 Director of Finance shall, after payment of all fees, issue the license. The Director of
79 Finance shall notify the police department when a license is issued. A copy of all city
80 issued licenses shall be displayed in each vehicle. The chief of police or his designee
81 shall have the authority to reject the application when he finds that the owner/applicant
82 is not qualified to perform the towing and storage services. In such case, he shall give
83 suitable notification to the owner/applicant of his reason for rejecting the application,

and the owner/applicant shall have a right to appeal the decision to the city administrator or his designee, pursuant to Section 5.64.170.

- K. Should an otherwise approved owner/applicant or towing company be found guilty of **a felony** or enter a plea of nolo contendere to **an aggravated assault, rape or sexual offense, murder (including attempted murder), robbery, arson, burglary, larceny, motor vehicle theft, or distribution or possession with intent to distribute narcotics** ~~a felony involving a Part I crime~~, said person shall immediately notify the police department within seventy-two (72) hours of having been convicted. The police department shall remove said towing company from the list of approved towing companies, and the police directed tow license issued pursuant to this chapter shall be revoked.

5.64.080 Investigation of employees of owner/applicants for police directed tow licenses.

- A. Prior to the approval of the towing company application all employees of the owner/applicant shall submit to a criminal background investigation acceptable to the police department, including the completion of an affidavit and fingerprinting. Any costs associated with such investigation shall be assumed by the owner/applicant **and are non-refundable**. A felony conviction, ~~or~~ a plea of nolo contendere, **or the completion of any sentence to include parole or probation** involving an aggravated assault, ~~forcible~~ rape, murder, robbery, arson, burglary, larceny, **distribution or possession with intent to distribute narcotics** or motor vehicle theft within three (3) years of the date of the application will automatically disqualify the employee from responding to any police directed tow or releasing any police directed tow vehicle to the owner of said vehicle.
- B. Prior to being allowed to respond to a ~~police~~ directed tow or to release a vehicle to its owner, any new employee shall submit to the background investigation process, fingerprinting and any costs associated with such investigation shall be assumed by the owner/applicant or towing company. **Said costs shall be non-refundable.**
- C. Should an otherwise approved employee be found guilty of or enter a plea of nolo contendere to a felony involving any crime listed in 5.64.080A, said employee shall immediately notify his employer who shall notify the police department within seventy-two (72) hours of having been notified. The police department shall remove said employee from the list of approved towing company employees.
- D. Should the chief of police or his designee reject an employee for inclusion on the towing company's list of approved employees, the owner/applicant, the towing company and the employee shall have a right of appeal. This appeal shall be brought before the city administrator or his designee pursuant to Section 5.64.170.

5.64.100 Procedure for dispatching police directed towing companies.

- A. The Director of Finance shall furnish the police department with a current list of all towing companies with a police directed tow license. Whenever the service of a towing vehicle shall be required and a request is made to the police department for such service,

the police department shall dispatch to the place where the service is required, a vehicle operated by that towing company whose license was first obtained and then request subsequent towing vehicles as needed on a chronological and rotating basis. If a towing vehicle is not available, the next company listed chronologically, in the order in which it obtained its license shall be called. If a towing vehicle does not arrive at the scene of the collision, parking violation or accident within thirty (30) minutes after the request is made, the officer at the scene shall notify the police department of such fact. It shall contact the next towing company, etc., as if the first towing company had not been contacted. Consideration will be given, however, to abnormal traffic patterns that result from adverse weather conditions, emergencies or other causes. Upon arriving at the scene of an accident, the towing company shall immediately remove the disabled vehicle to his storage lot or other location and notify, in writing, the police officer and vehicle owner, if available, of the location and telephone number of the storage lot as well as applicable towing and storage fees. If indoor storage is required, then the above rules shall apply to licensed towing companies with indoor storage. In the event a disabled vehicle cannot promptly and efficiently be removed from the scene of an accident, the towing company may have the police department call the next-listed licensee to assist in such removal.

B. Any licensed towing company that declines or misses three (3) tow requests within a calendar year shall have their police directed towing license suspended for one month. Following a one-month suspension, any licensed towing company that declines or misses a total of six (6) or more tow requests within a calendar year shall have their police directed towing license suspended for three (3) months. The following situations shall be considered a declination:

1. Failure to respond to the tow scene within the thirty (30) minute on-scene timeframe.
2. Failure to respond when requested, regardless of reason.
3. Failure to answer or respond to a call for service.
4. Explicit refusal to respond.

Should a tow company need to temporarily come out of the tow rotation for a period of more than five (5) days due to mechanical or equipment problems, sick or injured employees or a similar issue, the tow company shall notify the Police Department in writing of the reason for the unavailability and the anticipated duration. The police department shall then remove the company from the rotation until the department receives written communication from the company requesting to be placed back into rotation. The tow company shall be placed back into the tow list rotation at the bottom of the existing list.

Any licensed towing company who would like to be temporarily removed from the towing list, may request that the finance department temporarily suspend their police directed tow license. Following the suspension, the tow company shall be placed back into the tow list rotation at the bottom of the existing list. All requests for a temporary suspension shall be made in writing to the finance department and the police department. Making such a request will remove a company from the list of companies with a police

directed tow license until such a time that the company requests its license be reinstated. Companies may request to have their license suspended for no less than thirty (30) days and no more than one hundred and eighty (180) days. Any requests for a temporary suspension must include the requested police directed tow license suspension and reinstatement dates.

- C. The vehicle shall be towed by the safest and shortest practical route possible from the point of origin to the vehicle's destination. For all standard or basic tows, the vehicle shall be towed to a storage lot or facility that is located no more than ten (10) miles from 125 North Division Street in Salisbury.
- D. If a department or agency of the city, a public utility or similar entity requests the relocation of a vehicle from a work zone to a nearby street parking area, the police department shall follow the procedure set forth in Paragraph A above. The fee for an emergency vehicle relocation shall be established by ordinance and shall be at the expense of the requesting city department or agency, public utility or similar entity.
- E. No towing company shall, in any way, solicit towing business at a scene involving either a traffic accident or a police directed tow, nor shall any such towing company attempt to take any vehicle in tow unless he or it shall have been summoned by the owner/operator of the vehicle requiring the tow or the city police department.
- F. No towing company that is summoned by the owner/operator of the vehicle requiring the tow shall attempt to take a vehicle in tow unless the towing company can respond within thirty (30) minutes.
- G. If a vehicle to be towed is gone upon the arrival of a towing company called from the police directed tow list, the towing company shall remain at the top of the list to receive the next police directed tow call.

5.64.105 Operations on scene of a Police Directed Tow.

- A. The licensed towing company shall be required in accordance with the law to clean the roadway of debris of a crash scene.
- B. **Should additional labor be required for roadway clean-up, such additional labor shall be provided by the licensed tow company. An itemized invoice detailing the need and type of work conducted shall be kept on file and available for examination for two years. Additional labor fees shall be established from time to time by ordinance.**
- C. Licensed towing companies ~~operators and owners~~ shall comply with the established police directed tow operator code of conduct. Failure to do so may result in penalties in accordance with section 5.64.160 **and/or license suspension as determined by the Chief of Police. Licensed towing companies shall have all rights of appeal as established by section 5.64.170.**

207 **5.64.110 Release from storage.**

- 208 A. A licensed towing company shall be required to release all police directed tows during
209 the regular business day. Each licensed towing company must accept cash, certified
210 checks, money orders, debit and at least two (2) major credit cards (Mastercard, Visa,
211 American Express, or Discover) for payment. ~~If a A towing company~~ **having been**
212 **found in violation of** ~~fails to accepting~~ the listed forms of payment, ~~shall be subject to~~
213 a five hundred dollar (\$500.00) fine **and/or, at the direction of the Chief of Police, a**
214 **thirty (30) day suspension of the tow company license** ~~will be issued~~ for the first
215 offense and a fine not to exceed one thousand dollars (\$1,000.00) **and/or, at the**
216 **direction of the Chief of Police, a ninety (90) day suspension of the tow company**
217 **license,** ~~will be issued~~ for the second and subsequent offenses.
- 218 B. A licensed towing company shall provide storage lot staff on site to allow vehicle owners
219 timely access to their vehicles during the regular business day. If a vehicle owner is
220 unable to obtain timely release of a vehicle from storage within two (2) hours of the
221 initial request during the regular business day, and the police department is notified by
222 the vehicle owner, and the violation is verified by the police department, then storage
223 fees shall cease on the date of notification by the vehicle owner.
- 224 C. Whenever a vehicle is released from the storage lot of a licensed towing company on
225 weekends, evenings (6:00 pm to 9:00 am), or state and federal holidays, a release fee
226 shall be charged to the vehicle owner. This charge shall be established from time to time
227 by ordinance. If a licensed tow company refuses to release a vehicle during evenings,
228 weekends or state and federal holidays, then no storage fees shall be permitted for each
229 day the release is refused.
- 230 D. Inside storage of a vehicle shall only be at the request of the vehicle owner, operator or
231 law enforcement, or if essential or necessary to preserve the condition of the vehicle. If
232 indoor storage is the licensed towing company's only method of storage available, then
233 the inside storage shall be charged at the outside storage rate. ~~If, at the request of the~~
234 ~~vehicle owner, operator or law enforcement and i~~ **In order to preserve the condition of**
235 **the vehicle where inside storage is not available, efforts shall be made to protect the**
236 **vehicle from further damage due to weather exposure. This includes, but is not**
237 **limited to rolling up all windows, where applicable, or applying** ~~an application of~~
238 ~~self-adhesive film~~ **or similar covering** ~~(for example: Crash Wrap) may be used on the~~
239 ~~areas~~ of the vehicle which ~~is~~ **are** open to the elements.

241 **5.64.120 Fees for towing and storage for police directed tows.**

- 242 Fees for towing and storage for police directed tows shall be established from time to time by
243 ordinance.
- 244 A. Every police directed towing company engaged in towing vehicles shall, at the time of
245 its application for a license, pursuant to Section 15.64.030, file with the Director of
246 Finance, a statement that it will charge the standard towing and storage fees adopted by
247 ordinance.

- B. A police directed towing company shall not charge fees for towing, storage, or release of vehicles of less than ten thousand (10,000) GVW, other than those adopted by ordinance.
- C. A police directed towing company shall post a list of current city council approved towing and storage fees in a conspicuous place at its storage facility using a sign substantially similar to that approved by the chief of police.
- D. A list of current towing and storage fees shall be given to the vehicle owner/operator, if available, at the scene of the tow by the tow truck operator. Should the vehicle owner/operator not be available at the scene, a list of current towing and storage fees shall be given to the officer in charge of the scene. **Failure to provide the owner/operator of the vehicle or the officer in charge with a list of the current towing and storage fees shall subject the license holder to a one hundred dollar (\$100) fine for the first offense and two hundred dollar (\$200) fine for the second and any subsequent offenses.**
- E. Vehicle owners may not abandon vehicles at a city licensed facility. Leaving a vehicle at a tow facility for more than two (2) weeks shall constitute abandonment. Abandoning a vehicle may result in forfeiture of the vehicle, criminal and/or civil prosecution including a municipal fine of up to one thousand dollars (\$1,000.00), plus court and recovery costs. In cases of police impounded vehicles, the two (2) week time period begins on the day following the release of the vehicle by the police department.
- F. All approved tow companies engaging in police directed towing shall maintain adequate records to allow expeditious periodic review of their compliance with this chapter. Such records must include, but are not limited to, sequentially numbered **itemized** invoices, a copy of which shall be provided to each customer and a copy of which must be retained for a period of at least two (2) years by the tow company. In addition, the City Police Department may conduct periodic reviews of the financial records of any tow company holding a police directed tow license to ensure it is not directly or indirectly financially interested in any other licensed police directed towing company as required by 5.64.70.

5.64.160 Violations—Penalties.

Any towing company, its employees and agents who shall violate any of the provisions of this chapter, other than the provisions of chapter 5.64.100 (B) **or 5.64.120(D)** concerning tow declinations **and failure to provide tow rates**, shall be guilty of a civil infraction and shall be subject to a fine not to exceed five hundred dollars (\$500.00) **and/or, at the direction of the Chief of Police, a thirty (30) day license suspension** for a first violation; **a fine not to exceed seven hundred fifty dollars (\$750.00) and/or, at the direction of the Chief of Police, a ninety (90) day license suspension for a second violation; or a fine not to exceed one thousand dollars (\$1,000.00) and/or, at the direction of the Chief of Police, a one hundred eighty (180) day license suspension for a third and fourth-violation.** ~~or one thousand dollars (\$1,000.00) for subsequent violations.~~ **A tow company application for license renewal shall not be processed until such time as any prescribed period of suspension has been completed. Upon the finding of a fifth violation, the respective tow company license shall be subject to revocation for one (1) year from the date of the**

violation. A fifth violation shall be cause for the Chief of Police to review the circumstances surrounding any revocation and make a determination as to whether the tow company owner shall be permanently disqualified from receiving a tow license with the City of Salisbury. Any towing company, its employees and agents found guilty of perjury under Maryland Criminal Law Title 9 shall be subject to imprisonment not exceeding ten (10) years. Any towing company, its employees, and agents who shall violate the provisions of chapter 5.64.100 (B) shall be subject to license suspension in accordance with the provisions enumerated in chapter 5.64.100.

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 ____ day of _____ 2025 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 _____ day of _____, 2025.

ATTEST:

Julie A. English, City Clerk

D'Shawn M. Doughty, City Council President

Approved by me, this _____ day of _____, 2025.

Randolph J. Taylor, Mayor