

ORDINANCE NO. 2927

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING CHAPTER 2.16.020 (H) and (G) OF THE SALISBURY CITY CODE TO GRANT THE FIRE CHIEF THE AUTHORITY TO DESIGNATE WHO OF THE CAREER DEPUTIES SHALL BE THE SECOND AND THIRD IN COMMAND IN THE DEPARTMENT AND WHO SHALL ASSUME THE DUTIES AND RESPONSIBILITIES OF THE FIRE CHIEF IN THE EVENT THE FIRE CHIEF IS UNABLE TO FULFILL HIS OR HER DUTIES AND RESPONSIBILITIES DUE TO ILLNESS, INCAPACITY, OR ABSENCE.

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 Chapter 2.16 (Fire Department) 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 2.16.020(H) and (G) of the Code to grant the fire chief the authority to designate in writing who of the career deputies shall be the second and third in command in the Department and who shall assume the duties and responsibilities of the fire chief in the event the fire chief is unable to fulfill his or her duties and responsibilities due to illness, incapacity, or absence; and

WHEREAS, the Mayor and Council have determined that the amendments to Chapter 2.16.020(H) and (G) 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 Chapter 2.16.020(H) and (G) of the Salisbury City Code is hereby amended by adding the bolded and underlined text and removing the strikethrough text as follows:

Section 1. Chapter 2.16.020(F) governing the duties and responsibilities of the fire chief is amended as follows:

F. Duties and Responsibilities of the Fire Chief. The fire chief shall have general command, control and supervision of all emergency services. Without limiting the scope of the foregoing sentence, the fire chief shall:

1. Ensure the efficient and effective response of adequate resources to incidents requiring emergency services in order to prevent the loss of life, destruction of property and damage to the environment;

2. Control, maintain and operate all physical facilities, apparatus, equipment and personal property used by the fire department;
3. Maintain accurate records for all aspects of the operation of the fire department;
4. Provide periodic reports regarding the operation of the fire department to the mayor, city council and executive officer;
5. Ensure that no fire department resources are used for the personal gain of individuals, or public or private corporations or other entities;
6. Maintain communications with senior staff members to ensure that the fire chief is promptly notified of any department related matters that require his active presence or action thereon;
7. Appoint or remove career and volunteer fire line officers;
8. Direct the use or transfer of fire department vehicles, equipment or personal property within or outside of the city fire district;
9. Prepare a proposed budget and administer the fire department budget as adopted by the city;
10. Approve the operational use of all fire-fighting and emergency medical services apparatus, vehicles, tools and equipment;
11. Attend or appoint a designee to attend the meetings of each volunteer fire company;
12. Serve as liaison with the county and volunteer fire departments on operational issues;
13. Be considered to be on duty at all times;
14. Promulgate rules and regulations governing the operation of the fire department and its provision of emergency service-;
15. Serve as the authority having jurisdiction over the City Fire Prevention Code. This authority may be delegated by the Chief to the Fire Marshal-; **and**
- 16. Designate in writing who of the career deputies shall be the second and third in command in the Department and who shall assume the duties and responsibilities of the fire chief in the event the fire chief is unable to fulfill his or her duties and responsibilities due to illness, incapacity, or absence.**

Section 2. Chapter 2.16.020(G) governing the duties and responsibilities of the deputy fire chiefs (Career and Volunteers) is amended as follows:

G. Duties and Responsibilities of Duty Fire Chiefs (Career and Volunteers)

1. ~~The deputy fire chief of administrative services, or second in command after the fire chief, when on duty in the absence of the fire chief, shall assume all of the duties and responsibilities of the fire chief and for the time being shall possess all of the authority under the existing laws and regulations as have been laid down for the guidance and direction of the fire chief.~~

The deputy fire chief of administrative services shall assist the fire chief in the day-to-day operations of the fire department, and shall be subject to the direction and control of the fire chief.

2. ~~The deputy fire chief of operations or third in command after the fire chief and deputy fire chief of administrative services, when on duty in the absence of the fire chief and deputy fire chief of administrative services, shall assume all of the duties and responsibilities of the fire chief and for the time being shall possess all of the authority under the existing laws and regulations as have been laid down for the guidance and direction of the fire chief and deputy fire chief of administrative services.~~

The deputy fire chief of operations shall assist the fire chief in the day-to-day operations of the fire department, and shall be subject to the direction and control of the fire chief. The deputy fire chief of operations shall have primary responsibility for managing the coordination of activities, personnel, resources and operations of the fire department.

3. ~~The deputy fire chief of volunteer services or fourth in command after the fire chief and deputy fire chief of administrative services and deputy chief of operations, when on duty in the absence of the fire chief and deputy fire chief of administrative services deputy chief of operations, shall assume all of the duties and responsibilities of the fire chief and for the time being shall possess all of the authority under the existing laws and regulations as have been laid down for the guidance and direction of the fire chief and deputy fire chief of administrative services deputy chief of operations and deputy fire chief of administrative services and deputy chief of operations. The deputy fire chief of volunteer services shall assist the fire chief and other deputy fire chiefs in the day-to-day operations of the fire department, and shall be subject to the direction and control of the fire chief. The deputy fire chief (of volunteer services) shall also have primary responsibility for managing the volunteer component of the fire department. The deputy chief of volunteer services is fourth in command in the Department after the fire chief and shall assume all duties and responsibilities of the fire chief in the event the fire chief and the second and third in command are unable to fulfill the fire chief's duties and responsibilities due to illness, incapacity, or absence.~~

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.

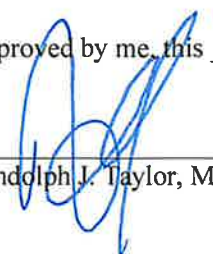
THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 24 day of February, 2025 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the 10 day of March, 2025.

ATTEST:


Julie A. English, City Clerk


D'Shawn M. Doughty, City Council President

Approved by me, this 18 day of March, 2025.


Randolph J. Taylor, Mayor