

CHARTER AMENDMENT RESOLUTION NO. 2025-3

A RESOLUTION TO AMEND § SC5-1 OF THE CHARTER OF THE CITY OF SALISBURY TO REFERENCE STATE LAW REGARDING ENFORCEMENT OF MISDEMEANORS AND MUNICIPAL INFRACTIONS, THUS ALLOWING FOR INCREASED PENALTIES FOR SUCH VIOLATIONS.

RECITALS

WHEREAS, the ongoing application, administration, and enforcement of the Salisbury Charter demonstrates a need for its periodic review, evaluation and amendment to keep the provisions of the Charter current; and

WHEREAS, the Mayor and Council of the City of Salisbury (the “**Mayor and Council**”) are authorized by MD Code, Local Government, § 4-301 et seq., as amended, and § SC21-2 of the Charter to amend the Charter, 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; and

WHEREAS, the Annotated Code of Maryland is amended from time to time; and

WHEREAS, Maryland Senate Bill No. 820 was enacted for the purpose of increasing the maximum amount of criminal fines and fines for municipal infractions that may be imposed by a municipality to enforce certain ordinances and resolutions enacted by the municipality; and

WHEREAS, under Senate Bill No. 820, effective October 1, 2025, fines that can be assessed by municipalities for misdemeanors and municipal infractions, as set forth in Md. Code Ann., Local Gov't §§ 6-101 -102, are increased from \$1,000 per violation to \$5,000 per violation; and

WHEREAS, the City has determined it is in the best interest of its citizens to amend § SC5-1 of the Charter to identify that potential fine amounts will be in accordance with State law, obviating the need to include a specific dollar amount in the Charter, which would require future revision as State law changes; and

WHEREAS, the Mayor and Council have determined that amendments to § SC5-1 of the Charter shall be adopted as set forth herein; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY by virtue of the authority granted in Article XI-E of the Maryland Declaration of Rights, §§ 4-301 *et seq.* of the Local Government Article of the Code of Maryland, and Article XXI of the City Charter as follows:

Section 1. It is proposed and recommended that § SC5-1(A)(38) be amended to repeal the language in double bold brackets and add the underscored and italicized language:

§ SC5-1. - Enumeration.

A. The City of Salisbury shall have the power:

...

(38) Enforcement of ordinances and resolutions. To provide that violations of ordinances and resolutions of the city shall be punishable as misdemeanors or municipal infractions, and to provide for punishment thereof by civil remedy, fine, incarceration and/or other penalties as permitted by Maryland law.

[(a) The Council has the power, pursuant to Local Government Article §6-102 of the Annotated Code of Maryland, to provide that violations of ordinances and resolutions of the city shall be punishable as misdemeanors, unless otherwise specified as an infraction. No penalty for such violation shall exceed a fine of one thousand dollars (\$1,000.) and imprisonment for six (6) months or such other limits as may be established by subsequent amendments to Local Government Article §6-102. Any person subject to any fine, forfeiture or penalty has the right of appeal as is provided under the general laws of the State. The Council may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one (1) violation shall not be a bar to conviction for a continuation of the offense subsequent to the first or any succeeding violation.

(b) Municipal infractions.

[1] The Council may provide that violations of any municipal ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor* by the laws of the state of** other ordinance. For purposes of this section, a municipal infraction is a civil offense.

[2] A fine not to exceed one thousand dollars (\$1000.) may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the municipality within twenty (20) calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed one thousand dollars (\$1000.) for each repeat offense, and each day a violation continues shall constitute a separate offense.

[3] Any person receiving a citation for an infraction may elect to stand trial for the offense by notifying the city in writing of this intention at least five (5) days prior to the date set for payment of the fine. Failure to pay the fine or give notice of intent to stand trial may result in an additional fine or adjudication by the court.

[4] Adjudication of a municipal infraction is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.]]

Section 2. With this proposed Charter amendment, § SC5-1(A)(38) of the Charter would read:

§ SC5-1. - Enumeration.

B. The City of Salisbury shall have the power:

...

(38) Enforcement of ordinances and resolutions. To provide that violations of ordinances and resolutions of the city shall be punishable as misdemeanors or municipal infractions, and to provide for punishment thereof by civil remedy, fine, incarceration and/or other penalty as permitted by Maryland law.

AND, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY:

Section 3. Pursuant to MD Code, Local Government, § 4-304, a public hearing on this Resolution, providing for the amendment of the City of Salisbury’s Charter as set forth herein, shall be and hereby is scheduled for January 26, 2026 at 6:00 p.m.

Section 4. Pursuant to the City of Salisbury’s Charter § SC21-2 and MD Code, Local Government, § 4-304, the City shall post a complete and exact copy of this Charter Amendment at the City Government

Building for at least forty (40) days after the passage of this Resolution and advertise a fair summary of this Resolution in a newspaper of general circulation in the City at least four times at weekly intervals and within forty days after the Resolution has been adopted.

Section 5. The title of this Resolution shall be deemed a fair summary of the amendments provided for herein for publication and all other purposes.

AND, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY:

Section 6. This Resolution shall take effect on the fiftieth day after the Resolution is adopted, subject to the right of referendum.

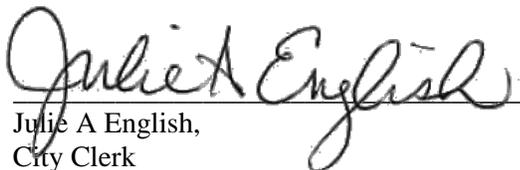
AND, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY:

Section 7. It is the intention of the Council of the City of Salisbury that each provision of this Resolution shall be deemed independent of all other provisions herein.

Section 8. It is further the intention of the Council of the City of Salisbury that if any section, paragraph, subsection, clause, or provision of this Resolution 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 Resolution shall remain and shall be deemed valid and enforceable

Section 9. The Recitals set forth hereinabove are incorporated into this section of this Resolution as if such recitals were specifically set forth at length in this Section 9.

THIS RESOLUTION was introduced, read, and passed at the regular meeting of the Council of the City of Salisbury held on the 2 day of February, 2026.


Julie A English,
City Clerk



Angela M. Blake,
Council President