

As Amended on October 26, 2005
ORDINANCE NO. 1961

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SALISBURY, MARYLAND, PURSUANT TO CHAPTER 15.24 - HOUSING STANDARDS OF THE SALISBURY MUNICIPAL CODE, FOR THE PURPOSE OF CREATING ARTICLE XXIX - OCCUPANCY, TO GOVERN THE OCCUPANCY OF DWELLING UNITS WITHIN THE CITY.

WHEREAS, the ongoing application, administration, and enforcement of Chapter 15.24 - Housing Standards of the Salisbury Municipal Code, demonstrates a need for its periodic review, evaluation, and text amendment; and

WHEREAS, the Salisbury City Council has discussed governing the occupancy of dwelling units at work sessions and finds the enactment of this Article to be in the public interest of the City of the Salisbury.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Article XXIX - Occupancy is hereby enacted as follows:

ARTICLE XXIX - OCCUPANCY

Section 15.24.1600 - Scope.

Provisions of this Article shall govern the occupancy of dwelling units within the City of Salisbury.

Section 15.24.1610 - Dwelling Unit Registration - Four Persons.

A. The owner of a dwelling unit in an R-5, R-8 and R-10 district, or in Spring Chase PRD No.1, shall request approval by the Director of the Department of Building, Housing and Zoning for an occupancy by four unrelated persons, not including the children of either of them, by the following procedure:

1. Filing a registration form with the Department of Building, Housing and Zoning on or before March 1 of 2006.

2. Paying a registration fee set by resolution of the Council.

3. Providing a copy of the deed and an affidavit together with a copy of a lease, if available, attesting to the occupancy by four unrelated individuals, not including the children of either of them, during the one (1) year period prior to December 16, 2002.

4. The Department of Building, Housing and Zoning shall inspect the dwelling unit and approve or disapprove the registration on or before July 1, 2006.

5. The dwelling unit shall comply with the following standards prior to approval:

a. The dwelling unit was occupied by four unrelated persons, not including the children of either of them, prior to December 16, 2002; and

b. The dwelling unit contained four bedrooms prior to December 16, 2002; and

c. The dwelling unit complies with Parking Code provisions; and

d. The dwelling unit complies with the Property Maintenance Code at the time of inspection or is brought into compliance within the time limits established by the Code following notice of violation.

6. After the filing of the registration form, the Department of Building, Housing and Zoning shall post notification of the filing on the subject property and on the City's website. Owners of neighboring properties may present affidavits regarding occupancy of the subject property to the Department of Building, Housing and Zoning within fifteen (15) days of the date of posting.

7. The Department of Building, Housing and Zoning shall consider all affidavits and inspection results when approving or disapproving the registration.

8. If the registration of the property is disapproved, then the owner may appeal pursuant to Section 15.24.360. An affiant may appeal the decision of the Department of Building, Housing and Zoning pursuant to Section 15.24.360. All persons submitting affidavits shall be notified of the date, time and place of the appeal hearing.

B. If the owner fails to register a dwelling unit on or before March 1, 2006, then the occupancy for that dwelling unit shall be permanently reduced to two unrelated persons, not including the children of either of them.

C. If the owner of a dwelling unit, after approval of dwelling unit registration, is in violation of Property Maintenance Code, and the owner fails to bring the unit into compliance within the time limits established by the Code, the permitted occupancy for that unit will be permanently reduced to three.

Section 15.24.1612 - Dwelling Unit Registration - Three (3) Persons.

The owner of a dwelling unit in an R-5, R-8 and R-10 district, or in Spring Chase PRD #1, which was occupied by three (3) unrelated individuals, not including the children of either of them, during the one (1) year period prior to December 16, 2002, shall file a registration form with the Department of Building, Housing and Zoning on or before March 1, 2006.

Section 15.24.1620 - Determination of Functional Family.

Upon application of a group of not more than four (4) persons, the Department of Building Housing and Zoning shall make a determination whether a “functional family” exists. Each of the following criteria shall be met:

1. Share a permanent personal bond and commitment to one another;
2. Not dependent upon or supported by someone who does not maintain legal domicile at the particular dwelling unit and reside therein;
3. Maintain legal domicile at the particular dwelling unit;
4. Share a single household budget;
5. Share in the repair and maintenance of the dwelling unit and its grounds, if any;
6. Prepare and eat meals together on a regular basis;
7. Share in legal ownership or tenancy of the dwelling unit, as evidenced on a deed or lease.

Section 15.24.1630 - Inspection of Dwelling Units.

After the City receives a complaint about the number or relationship of occupants in a dwelling unit, the City may inspect the dwelling unit. Inspections may also be initiated from inspector observations. The inspection shall occur after notice has been furnished to the owner and occupants of the dwelling unit. The notice shall be sent by mail or by fixing a notice to the dwelling unit in a conspicuous location. If the City's inspector shall be denied access to the dwelling unit or any part thereof, that is appropriate for inspection, the inspector may obtain an administrative search warrant to gain access pursuant to Section 15.26.070.

Section 15.24.1640 - Violation of Occupancy Provisions.

If the Department of Building, Housing and Zoning determines the number of unrelated occupants in a dwelling violates occupancy provisions established by this Code,

then the number of unrelated occupants, not including the children of either of them, shall be permanently reduced to two.

Section 15.24.1650 - Appeals.

Any appeal under this Article shall be pursuant to Section 15.24.360, et seq.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage.

THE ABOVE ORDINANCE was introduced at a meeting of the Council on the 10th day of October, 2005, and having been published as required by law, in the meantime, was finally passed at its meeting on the 26th day of October, 2005.

Brenda J. Colegrove
City Clerk

Michael P. Dunn,
President of the City Council
of the City of Salisbury

Approved by me this
day of _____ 2005.

Barrie P. Tilghman
Mayor of the City of Salisbury