

ORDINANCE NO. 1974

AN ORDINANCE ENACTED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, TO AMEND CHAPTER 15 - BUILDINGS AND CONSTRUCTION.

WHEREAS, the City Council desires to create a Department of Building, Permitting and Inspection and a Department of Neighborhood Services and Code Compliance by splitting the functions currently assigned to the Department of Building, Housing and Zoning; and

WHEREAS, the Salisbury City Council intends to amend the appropriate Sections of the City Code to reflect the reassignment of duties and authority to each department.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, in regular session, that Chapter 15 is hereby amended as follows:

CHAPTER 15.12

BUILDINGS AND CONSTRUCTION

Chapter 15.12.040 Inspections - Right of entry - Nonconforming electrical work.

C. For the purpose of making any inspection, test or report necessary for the proper administration and enforcement of this chapter, the director of the department of building, ~~housing and zoning~~, permitting and inspections or, at his written direction, the Middle Department Association of Fire Underwriters shall have the authority, during reasonable hours, to enter in and upon any building or premises, and no person shall prevent, obstruct or interfere with the performance of any inspection or test made pursuant to this chapter.

D. The director of the department of building, ~~housing and zoning~~, permitting and inspections shall have the power to stop electrical work when he is notified by the Middle Department Association of Fire Underwriters that such work being installed does not conform to such code.

E. If any existing electric wiring system, upon inspection, is found to be defective and unsafe, upon notification by the director of the department of building, ~~housing and zoning~~, permitting and inspections, the licensee or holder of the permit to install such wiring shall disconnect such system from service until it has been corrected, made to conform to the requirements of such code and approved by the Middle Department Association of Fire Underwriters; provide that, for safety reasons, in making any such disconnection, any wiring on the line side of the service disconnect mains is to be handled by utility company personnel only. (Prior code § 65-4)

CHAPTER 15.16

FLOODPLAIN MANAGEMENT

Section 15.16.040 Permit required.

Any person or entity proposing to do any development within the floodplain zone regulated by this chapter must first obtain a permit for the development from the department of building, ~~housing and zoning~~, permitting and inspections and must comply with all provisions of this chapter. (Prior code § 77-4)

Section 15.16.070 Definitions.

"Local permitting official" means the director of building, ~~housing and zoning~~ permitting and inspections.

CHAPTER 15.20

GRADING AND EXCAVATIONS

Section 15.20.030 Application for permit - Contents.

Application forms for grading permits will be available at the department of building, ~~housing and zoning~~ permitting and inspections and such other places as the department of building, ~~housing and zoning~~ permitting and inspections shall direct. The form, when completed, shall provide sufficient information to identify the applicant, the place and nature of the work to be done, the steps or procedures to be taken to control erosion and sedimentation and the approximate beginning and ending time for soil earth moving. Acceptable standards and specifications for soil erosion and sediment control shall be available in the office of the Wicomico Soil

Conservation District. Where developments are involved (commercial, industrial or two or more residential units or lots), the developer shall include in the application a grading and an erosion and sediment control plan designed by a professional engineer or a professional land surveyor registered in the state and a certificate that all land clearing, construction and development will be done pursuant to such plan.

Section 15.20.040 Approval of erosion and sediment control plans prior to issuance of permit - Applicability of state regulations.

Proposed steps and procedures to control erosion and sedimentation must be approved by the Wicomico Soil Conservation District prior to issuance of a grading permit by the department of building, ~~housing and zoning~~; permitting and inspections, erosion and sediment control plans, when required, must be approved by the Wicomico Soil Conservation District. Issuance of a city grading permit does not eliminate the requirement for obtaining a Department of Natural Resources permit, if required under conditions specified by state law. (Prior code § 83-4)

Section 15.20.060 Posting of surety bond.

When recommended by the department of building, ~~housing and zoning~~; permitting and inspections and approved by the city council, the permittee shall be required, prior to the issuance of a grading permit, to post with the city a cash deposit, performance bond from an approved corporate surety or other collateral acceptable to the city. The amount posted shall be sufficient to guarantee that, in the event that provisions of the permit are not completed satisfactorily or that the permit is canceled, the site can be restored to a condition meeting the minimum requirements of the standards for erosion control. (Prior code § 83-6)

Section 15.20.070 Duration of permit - Extension.

A grading permit shall be valid for a period of one year from the date of issuance. Upon request and adequate justification of a permittee, the department of building, ~~housing and zoning~~; permitting and inspections may grant a six-month extension of validity. (Prior code § 83-7)

Section 15.20.080 Notice to comply with provisions - Suspension of permit.

In the event that work performed does not conform to the provisions of the permit, to the approved plans and specifications or to any written instructions of the department of building, ~~housing and zoning~~; permitting and inspections, a written notice to comply shall be given to the permittee. Such notice shall set forth the nature of the corrections required and the time within which corrections shall be made. Failure to comply with such written notice shall be deemed justification for suspension of the permit, which will require that all work stop, except that necessary for correction of the violation. Upon correction of the violation, the permittee may apply for removal of the suspension. (Prior code § 83-8)

Section 15.20.100 Duties of department of building, ~~housing and zoning~~; permitting and inspections - Inspections.

A. The department of building, ~~housing and zoning~~; permitting and inspections of the city shall be responsible for detecting violations of this chapter, requiring compliance with provisions of approved grading permits and initiating appropriate action against offenders. The department of building, ~~housing and zoning~~; permitting and inspections shall make a final on-site inspection when the work covered by an application is reported completed and shall forward its report to the Wicomico Soil Conservation District.

B. The permittee shall request the department of building, ~~housing and zoning~~; permitting and inspections to make inspections at the following states of work:

1. Prior to imitating any grading operation, to inspect the natural site and to approve a written description of the supervision and construction control program;
2. Upon completion of the preparation of the ground to receive fill, but prior to beginning any placement;
3. Upon completion of final grading, permanent drainage and erosion control facilities, but prior to any seeding, sodding or planting;
4. Upon completion of installation of all vegetative measures and all work in accordance with the grading permit.

C. The department of building, ~~housing and zoning~~; permitting and inspections may make any additional inspections deemed necessary any may waive any of the inspections listed above, except the final on-site inspection. Inspections requested shall be completed within ten working days. (Prior code § 83-10)

Chapter 15.24.040 Referenced standards.

A. Where the following codes are referenced within this code, they shall be considered part of the requirements of this code to the prescribed extent of each such reference.

1. ~~BOCA National Building Code, 1996 Edition, International Building Code, 2000 Edition;~~

2. ~~BOCA National Mechanical Code, 1996 Edition, International Mechanical Code, 2000 Edition;~~

3. ~~BOCA Fire Prevention Code, 1993 Edition, State of Maryland Fire Prevention Code, 2000 Edition;~~

4. ~~CABO 1 & 2 Family Dwelling Code, 1995 Edition, International Residential Code, 2000 Edition;~~

5. ~~Salisbury Practical Plumbing Code, International Residential Code, 2000 Edition.~~

6. ~~State Fire Prevention Code;~~

B. Where differences occur between provisions of this code and referenced standards, this code shall apply. Additionally, nothing herein shall be construed to repeal, modify or set aside any provisions of the city's zoning code. (Ord. 1975 (part), 2001; Ord. 1665 Exh. A (part), 1997)

Article III Building Housing Official

Chapter 15.24.080 The building housing official shall have the authority to enforce all provisions of this code.

A. The building housing official shall issue all necessary notices or orders to ensure compliance with this code. This includes the authority to issue violation notices; request the abatement, removal or correction of nuisances, complaints and emergency conditions affecting the public health, safety and welfare.

B. The building housing official is authorized, upon presentation of proper credentials and with consent or valid warrant to enter, inspect and survey, at all reasonable times, all buildings, structures and premises in accordance with this code.

C. The building housing official is hereby authorized and directed to make inspections on all property located within the city of Salisbury, Maryland, to determine compliance with this code.

D. In addition to the other duties imposed by this ordinance, the building housing official is authorized to perform the following duties:

1. Issue all necessary notices and orders to abate illegal or unsafe conditions and ensure compliance with the code requirements for the safety, health and general welfare of the public;

2. Respond to complaints of alleged violation(s) of the provisions of this code;

3. Adopt and promulgate rules and regulations to interpret and implement the provisions of this code and to secure the intent thereof as necessary in the interest of the public;

4. Maintain official records of all business and activities of the department specified in the provisions of this code;

5. Appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this code and as authorized by the appointed authority. The building housing official is authorized to designate an employee as deputy who shall exercise all the powers of the building housing official during the temporary absence or disability of the building housing official. (Ord. 1665 Exh. A (part), 1997)

Section 15.24.090 Right of entry.

A. The building housing official may enter any premises or structure without a warrant and without prior notice to or permission from the owner or occupant

of the premises whenever:

1. The building housing official, in good faith, determines that an actual emergency exists as a result of a condition or occurrence on the premises which constitutes an imminent menace to the public health, safety and welfare which requires immediate action, or

2. A fire or accident has occurred on the premises such that immediate inspection is required to determine whether or not a violation of this code exists which constitutes an imminent menace to the public health or safety.

B. Except as provided in subsection A of this section, whenever it is necessary for the building housing official to make an inspection to enforce any of the provisions of this code, or whenever the building housing official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the building housing official may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the proper credentials and obtain consent for that entry from the occupant. If such building or premises is unoccupied, he shall first contact the owner or other persons having charge or control of the building or premises, present proper credentials, and obtain consent for that entry. If such entry is refused, the building housing official shall have every recourse to every remedy provided by law to secure entry. (Ord. 1665 Exh. A (part), 1997)

Section 15.24.100 Warrants.

A. When the building housing official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building housing official for the purpose of inspection and examination pursuant to this code.

Section 15.24.110 Periodic area search.

From time to time the department of building, housing and zoning neighborhood services and code compliance may designate certain specific areas of the city in need of inspection. These searches shall be based upon, but not limited to, the following factors:

1. The passage of time since the last inspection of the structure or premises;
2. The age of the structures in the area;
3. Condition of the structures in the surrounding area;
4. Evidence of blighted conditions in the surrounding area;
5. Evidence of past violations in the structures. (Ord. 1665 Exh. A (part),

1997)

Section 15.24.130 Inspection of work.

All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the building housing official in accordance with and in the manner provided by this code and the reference codes as described in Section 15.24.040. (Ord. 1665 Exh. A (part), 1997)

Section 15.24.140 Compliance required.

No person, firm or corporation, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this code or any order issued by the building housing official hereunder. Any person violating the provisions of this section shall be guilty of a municipal infraction. (Ord. 1665 Exh. A (part), 1997)

Section 15.24.170 Prosecution.

In case of any unlawful acts, the building housing official shall institute an appropriate action or proceeding at law to exact the penalties provided in this code. Also, the building housing official shall ask the city's legal representative to proceed at law or in equity against the person responsible for violation for the purpose of ordering that person:

1. To restrain, correct or remove the violation, or refrain from any further

1. To restrain, correct or remove the violation or return from any further execution of work;

2. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;

3. To require the removal of work in violation; or

4. To prevent the occupancy of the structure that is not in compliance with the provisions of this code. (Ord. 1665 Exh. A (part), 1997)

Section 15.24.180 Notice to owner or to person or persons responsible.

Whenever the building housing official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in Sections 15.24.190 and 15.24.200. Notices for demolition procedures shall comply with Section 15.24.340. (Ord. 1665 Exh. A (part), 1997)

Section 15.24.210 Reinspections.

Following the expiration of the period of time provided in the violation notice of the building housing official may reinspect, within the constraints of Section 15.24.090, the premises described in the notice. (Ord. 1665 Exh. A (part), 1997)

Section 15.24.220 Citations.

If, upon reinspection, the building housing official determines that any violation has not been corrected, he shall issue a citation or may grant an extension of time based on the circumstances of each case. In the event that a reinspection of the premises cannot be achieved due to an agent, owner or occupant thwarting the efforts of the building housing official, a civil penalty of one hundred dollars (\$100.00) may be imposed for each day of violation. (Ord. 1665 Exh. A (part), 1997)

Section 15.24.230 Imminent danger.

A. When, in the opinion of the building housing official, there is imminent danger of failure or collapse of a building or structure which endangers life or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure, or when there is actual or potential danger to the building occupants or toxic fumes, gases or materials, or operation of defective or dangerous equipment, the building housing official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The building housing official shall cause to be posted at each entrance to such structure a notice reading as follows:

“This structure is unsafe and its occupancy has been prohibited by the Building Housing Official.”

B. It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or demolishing the same. A period not to exceed thirty (30) days shall be effective to vacate the premises, unless the situation is of a character of the building housing official, is reasonable and proper. Any person ordered to take emergency measures by this article shall comply with such order forthwith. Any affected person shall thereafter be entitled to an appeal as described in Article X. (Ord. 1665 Exh. A (part), 1997)

Section 15.24.240 Temporary safeguards.

Notwithstanding other provisions of this code, whenever, in the opinion of the building housing official, there is imminent danger due to an unsafe condition, the building housing official shall order the necessary work to be done, including the boarding-up of openings, to render such structure temporarily safe whether or not legal procedure here described has been instituted; and shall cause other action to be taken as the building housing official deems necessary to meet such emergency. (Ord. 1665 Exh. A (part), 1997)

Section 15.24.250 Emergency repairs.

For the purpose of this section, the building housing official shall employ the necessary labor and materials to perform the required work as expeditiously as possible. (Ord. 1665 Exh. A (part), 1997)

Section 15.24.260 Cost of emergency repairs.

Costs incurred in the performance of emergency work shall be paid from the treasury of the city of Salisbury on approval of the building housing official. The director of finance and/or the legal counsel of the city of Salisbury shall institute appropriate action against the owner of the premises for the recovery of such costs. (Ord. 1665 Exh. A (part), 1997)

Section 15.24.270 General.

C. Each exterior door, window and opening of any vacant dwelling shall be firmly secured and locked. Should a structure become accessible and/or a nuisance by virtue of having windows or doors repeatedly left opened and/or unlocked, they shall be firmly secured by covering the opening with plywood or other approved material. Approved material used to cover unsecured openings shall fit the openings squarely, and shall be surface coated to match the exterior house trim. No structure shall be permitted to be boarded up for any period of time in excess of six months unless fully justified by the owner in writing to the building housing official stating why and for what period of time the structure should be permitted to remain boarded up. Any structure condemned in accordance with Section 15.24.280, which has been boarded up for a period of time exceeding six months, and has not been justified by the owner in writing to the building housing official, may be issued a one hundred dollar (\$100.00) citation for the first day of noncompliance and a two hundred dollar (\$200.00) citation for each day thereafter that the violation continues. (Ord. 1795 (part), 2001; Ord. 1665 Exh. A (part), 1997)

Section 15.24.280 General.

When a structure or equipment is found by the building housing official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code and declared a public nuisance.

Section 15.24.300 Notice.

Whenever the building housing official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, agent, person or persons responsible for the structure or equipment in accordance with Section 15.24.200. The notice shall be in the form prescribed in Section 15.24.190. (Ord. 1665 Exh. A (part), 1997)

Section 15.24.310 Placarding.

Upon failure of the owner, agent or person responsible to comply with the notice provisions within the time given, the building housing official shall post in a conspicuous place on the premises a placard bearing the word "Condemned" and a statement of the penalties for occupying the premises. (Ord. 1665 Exh. A (part), 1997)

Section 15.24.330 General.

The building housing official shall order the owner of any premises upon which is located any structure which is so dilapidated, so out of repair as to be dangerous, has been designated unfit for human habitation, unsafe, unsanitary, has been vacated, and has not been put into proper repair after given sufficient notice to repair, to raze or remove the structure in its entirety. An order to demolish shall not indicate an alternative permission to repair, however, an order to repair may be satisfied by demolition. (Ord. 1665 Exh. A (part), 1997)

Section 15.24.350 Failure to comply.

If the owner of a premises fails to comply with a demolition order within the time prescribed, the building housing official shall have the following methods of recourse:

A. The building housing official shall cause the structure to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which structure is located and shall be a lien upon such real estate; and

Section 15.24.380 Quorum.

Three members of the board shall constitute a quorum. In varying the application of any provisions of this code or in modifying an order of the building housing official, affirmative votes of the majority present shall be required. A board member shall not hear or act on an appeal which that member has any personal, professional or financial interest. (Ord. 1665 Exh. A (part), 1997)

Section 15.24.390 Application for appeal.

Any person affected by a decision of the building housing official or a notice or order issued under this code shall have the right to appeal to the housing board of adjustments and appeals provided that a written application for appeal is filed within twenty-one (21) days after the date that the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. (Ord. 1665 Exh. A (part), 1997)

interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. (Ord. 1665 Exh. A (part), 1997)

Section 15.24.420 Staying of order under appeal.

Except for orders to vacate made pursuant to Section 15.24.230 enforcement of any notice and order of the building housing official issued under this code shall be stayed during the time of appeal and hearing. (Ord. 1665 Exh. A (part), 1997)

Section 15.24.440 Variations and modifications.

A. The board, after hearing an appeal, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would cause undue hardship and would be contrary to the spirit and purpose of this code or public interest or when, in its opinion, the interpretation of the building housing official should be modified or reversed.

B. A decision of the board to vary the application of any provision of this code or to modify an order of the building housing official shall specify in what manner such variation or modification is made. (Ord. 1665 Exh. A (part), 1997)

Section 15.24.470 Terms defined in other codes.

Where terms not defined in this code are defined in the building, plumbing, mechanical, fire prevention code, ~~CABO 1 & 2 Family Code~~ International Residential Code or NFPA 101 Life Safety Code such terms shall have the meanings ascribed to them as in those codes. (Ord. 1665 Exh. A (part), 1997)

Section 15.24.490 General definitions.

Building Official. The director of the department of building, housing and zoning permitting and inspections, charged with the administration and enforcement of this chapter, or his duly authorized representative.

“Family” means and includes, subject to the exceptions stated below:

2. C. A group of not more than four persons who are approved by the department of building, housing and zoning neighborhood services and code compliance pursuant to Section 15.24.1620 as a “functional family.”

Housing Official. The director of the department of neighborhood services and code compliance, charged with the administration and enforcement of this chapter, or his duly authorized representative.

Section 15.24.570 Furniture.

The furniture, furnishings, appliances or decorations customarily associated with the interior portion of residential dwellings shall not be placed on an open porch in the front yard. Occupant(s) shall receive a notice in the form set forth in Section 15.24.190 to remove said furniture, furnishings, appliances or decoration, within ten days. The notice shall be posted in a conspicuous place on the property. If the furniture, furnishings, appliances or decorations are not removed within the ten-day time period, then the department of building, housing and zoning neighborhood services and code compliance, or its designated agents, will remove said items to the Wicomico County landfill.

Section 15.24.670 Rubbish storage facilities.

A city-approved trash receptacle shall be provided for each dwelling unit or building containing more than one dwelling unit. Apartment complexes or other multifamily dwellings which contract with a privately recognized trash collection agency are not subject to this Section. In the event that this provision creates a hardship, the property owner may request an exception from the director of the department of building, housing and zoning neighborhood services and code compliance.

Section 15.24.1180 Mean of egress.

A. Exit Capacity. Every dwelling unit and/or rooming unit shall have one or more means of egress, with minimum head room of six feet, eight inches leading to a safe and open space at ground level. It shall be maintained as a safe, continuous and unobstructed passageway to the open area at grade. The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the ~~BOCA National~~ International Building Code.

B. 3. Where an existing fire escape conforming to the ~~BOCA National~~ International Building Code.

Section 15.24.1260 Scope.

C. After the vehicle has been towed, a certified letter shall be sent to the last registered owners' address describing the motor vehicle by make, year,

model, serial number, color and where the motor vehicle is stored. If the certified mail is returned to the ~~department of building, housing and zoning housing official~~, the ~~director of building, housing and zoning housing official~~ shall have the returned notice posted in the Circuit Court for Wicomico County for a period of not less than twenty-five (25) days. If the owner does not claim the vehicle within the twenty-five (25) day period, the ~~department of building, housing and zoning housing official~~ shall notify the Salisbury police department and a certificate of disposal shall be issued to the towing company storing the vehicle.

F. If the full amount due to the city is not paid by such owner with thirty (30) days after the fee has been paid to the towing company, then the ~~director of building, housing and zoning housing official~~ shall cause to be recorded in the finance department for the city of Salisbury, the cost and expense for the towing and storage of abandoned, inoperable and untagged vehicle(s), and such charge will be carried on the records of the city of Salisbury and shall be collectible in the same manner as real estate taxes are collected. (Ord. 1841, 2002; Ord. 1665 Exh. A (part), 1997)

Section 15.24.1280 ~~Director of the department of building, housing and zoning~~ Housing official

The decision of the ~~director of building, housing and zoning housing official~~ as to whether particular articles are rubbish, as defined in Section 15.24.490 shall be final, and if articles of rubbish have been mixed with other articles not constituting rubbish, as defined herein, the ~~director of building, housing and zoning housing official~~ shall be entitled to treat all such mixed articles as rubbish. (Ord. 1665 Exh. A (part), 1997)

Section 15.24.1330 Notice to remove rubbish.

The city of Salisbury's ~~director of building, housing and zoning housing official~~ is hereby authorized to notify the owner of the property as determined by the official tax rolls of the city of Salisbury to remove or properly dispose of the rubbish from the subject property. (Ord. 1665 Exh. A (part), 1997)

Section 15.24.1340 Removal of rubbish by city.

Upon failure, neglect or refusal of any owner so notified to remove or properly dispose of such rubbish within ten days after service of notice, as provided for in this chapter, the city of Salisbury's ~~director of building, housing and zoning housing official~~ is authorized and empowered to cause such condition to be corrected by removing and disposing of such rubbish and is hereby authorized and empowered to pay for the disposing of such rubbish or to order to disposal by the city of Salisbury's department of public works. (Ord. 1795 (part), 2001; Ord. 1710 (part), 1999)

Section 15.24.1370 Recorded statement to constitute lien.

When the full amount due to the city is not paid by such owner within thirty (30) days after disposal of such rubbish, then the ~~director of building, housing and zoning housing official~~ shall cause to be recorded in the finance department for the city a sworn statement showing the cost and expense incurred for the work, the administrative fees, the date the work was done and the location of the property on which such work was done. (Ord. 1665 Exh. A (part), 1997)

Section 15.24.1380 Appeals.

Within seven days from service of notice as provided for in this chapter, the owner or his agency may file an appeal with the housing board of adjustments and appeals stating in detail the reasons as to why the action proposed by the ~~director of building, housing and zoning housing official~~ should not be taken. Upon receipt of such appeal, the housing board of adjustments and appeals shall proceed under Article X, Section 15.24.360 et seq. (Ord. 1710 (part), 1999)

Section 15.24.1400 Notice to remove abandoned property.

The city of Salisbury's ~~director of building, housing and zoning housing official~~ is authorized to notify the owner, as defined in Section ~~15.24.930~~ 15.24.530 of the code, of the property, as determined by the official tax rolls of the city of Salisbury, to remove or properly dispose of the abandoned property from the subject property. (Ord. 1665 (part), 1998; Ord. 1676 (part), 1997)

Section 15.24.1410 Removal of abandoned property.

Upon the failure, neglect or refusal of any owner so notified to remove or properly dispose of such abandoned property within two business days after service of notice, as provided for in this article, the city of Salisbury's ~~director of building, housing and zoning housing official~~ is authorized and empowered to cause such condition to be corrected by removing and disposing of such abandoned property and is hereby authorized and empowered to pay for the disposing of such abandoned property or to order its disposal by the city of Salisbury's department of public works. (Ord. 1695 (part), 1998; Ord. 1676 (part), 1997)

Section 15.24.1440 Recorded statement to constitute lien.

Where the full amount due the city of Salisbury is not paid by such owner within thirty (30) days after the disposal of such abandoned property, then the

where the full amount due the city of Salisbury is not paid by such owner within thirty (30) days after the disposal of such abandoned property, then the ~~director of building, housing and zoning~~ housing official shall cause to be recorded in the finance department for the city of Salisbury a sworn statement showing the cost and expense incurred for the work, the administrative fees, the date the work was done and the location of the property on which such work was done. (Ord. 1695 (part), 1997)

Section 15.24.1450 Appeals.

Within two business days from the service of notice as provided for in this article, the owner or his agent may file an appeal with the city council stating in detail the reasons as to why the action proposed by the ~~director of building, housing and zoning~~ housing official should not be taken. Upon receipt of such appeal, the city council shall put the cause on its agenda at its earliest convenience, notify the protestant thereof and hear the merits of the appeal. The city council may reverse the action of the ~~director of building, housing and zoning~~ housing official for any error of fact or law or upon a finding that the enforcement constitutes an undue hardship upon the property owner which the property owner is physically or financially unable to comply with. If the protestant is dissatisfied with the decision of the city council, he shall have the right to appeal to the circuit court of the county, provided that such appeal be taken within thirty (30) days after the protestant is notified (either at the hearing or in writing) of the city council's decision. (Ord. 1695 (part), 1998; Ord. 1676 (part), 1997)

Section 15.24.1540 Notice to repair.

The city of Salisbury's ~~director of building, housing and zoning~~ housing official is hereby authorized to notify the owner of the property as determined by the official tax rolls of the city of Salisbury to repair structures on the subject property. (Ord. 1892 (part), 2004)

Section 15.24.1550 Repair by the city.

After an owner receives a municipal infraction for repairs and a court hearing thereon, the ~~director of building, housing and zoning~~ housing official may issue a notice under this article for incomplete repairs. Upon failure, neglect or refusal of any owner so notified to repair within ten days after service of notice, as provided for in this article, the city of Salisbury's ~~director of building, housing and zoning~~ housing official is authorized and empowered to cause such condition to be corrected by repairing the structure and the ~~director of building, housing and zoning~~ housing official is hereby authorized and empowered to pay for the repair. (Ord. 1892 (part), 2004)

Section 15.24.1580 Record a statement to constitute a lien.

When the full amount due the city is not paid by such owner within thirty (30) days after completion of the repair, then the ~~director of building, housing and zoning~~ housing official shall cause to be recorded in the finance department for the city a sworn statement showing the cost and expense incurred for the work, the administrative fees, the date the work was completed, and the location of the repaired structure. (Ord. 1892 (part), 2004)

Section 15.24.1590 Appeals.

Within seven days after service of notice as provided in this chapter, the owner or his agent may file an appeal with the housing board of adjustments and appeals stating in detail the reasons as to why the action proposed by the ~~director of building, housing and zoning~~ housing official should not be taken. Upon receipt of such appeal, the housing board of adjustments and appeals shall proceed under Article X, Section 15.24.360 et seq. (Ord. 1892 (part), 2004)

Section 15.24.1610 Dwelling Unit Registration - Four Persons.

A. The owner of dwelling units in an R-5, R-8 and R-10 or in any detached or duplex single-family dwelling or townhouse in any district or in Spring Chase PRD No. 1, shall request approval by the director of the department of ~~building housing and zoning~~ neighborhood services and code compliance 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~~ neighborhood services and code compliance on or before March 1 of 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~~ neighborhood services and code compliance shall make a determination whether a "functional family" exists. Each of the following criteria shall be met:

Section 15.24.1640 Violation of Occupancy Provisions.

If the department of ~~building housing and zoning neighborhood services and code compliance~~ 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.

CHAPTER 15.26

RENTAL OF RESIDENTIAL PREMISES

Section 15.26.030 Definitions.

"Director" means the Director of the department of ~~building housing and zoning neighborhood services and code compliance~~.

Section 15.26.040 Rental dwelling unit registration

A. The owner of all rental dwelling units shall register each unit by filing a registration form with the ~~director of building, housing and zoning~~ housing official. The registration fee for each unit shall be set by resolution of the council from time to time. Registration forms shall be provided by the ~~director of building, housing and zoning~~ housing official.

B. All registration fees shall be paid at the time the registration form is filed with the ~~director of building, housing and zoning~~ housing official, unless the owner owns more than one hundred (100) rental dwelling units. The owners of more than one hundred (100) rental dwelling units shall pay the initial registration fee in four equal quarterly installments within twelve (12) months of registration.

Section 15.26.050 Annual license for rental dwelling unit owners.

A. Each legal entity, e.g. individual, partnership, corporation, which owns a majority interest in a rental dwelling unit or units shall obtain a license from the ~~director of building, housing and zoning~~ housing official on or before May 30, 2004. After that date, a legal entity which receives title to a rental dwelling unit or units shall obtain a license from the ~~director of building, housing and zoning~~ housing official within thirty (30) days of the date the legal entity receives title to the rental dwelling unit or units.

B. License forms shall be provided by the ~~director of building, housing and zoning~~ housing official. If inaccurate ownership information is provided to the ~~director of building, housing and zoning~~ housing official, then the legal entity will be assessed a fee of fifty dollars (\$50.00).

C. Licenses shall be renewed on an annual basis on or before March 1st of each year. The license fee shall be set by resolution of the council from time to time.

Section 15.26.050 Inspection of license.

Licenses issued under this chapter shall be made available for inspection upon request by the ~~director of building, housing and zoning~~ housing official. (Ord. 1899 (part), 2004).

Section 15.26.060 Failure to Register or Obtain License.

A. Failure to timely register a rental dwelling unit or obtain or renew a license pursuant to this chapter shall result in the issuance of a nonregistration fee as adopted by resolution of the council from time to time. The ~~department of building, housing and zoning~~ housing official shall issue a notice to the owner advising him of the requirements of this chapter and the fees due as of the date of the notice.

B. If the owner does not register a dwelling unit or obtain or renew a license within thirty (30) days after said notice, the owner shall be designated a delinquent owner. The ~~department of building, housing and zoning~~ housing official shall notify the owner of such designation, cancel any existing license, and require that the owner vacate any tenant occupying a rental dwelling unit within sixty (60) days. Any security deposit shall be returned to the tenant pursuant to the provisions of Real Property Article, Title 8, Annotated Code of Maryland.

C. If a delinquent owner desires to register a rental dwelling unit, the rental dwelling unit shall be subject to an inside and outside inspection by the ~~department of building, housing and zoning~~ housing official. All violations must be corrected before the rental dwelling unit is registered.

A delinquent owner shall be required to register each of its rental dwelling units for a fee of Five Hundred Dollars (\$500.00). The registration and registration fee shall be required for five (5) consecutive years, unless the rental dwelling unit changes ownership to a legal entity which is not owned or controlled by the delinquent owner, and the new owner complies with all the provisions of this Chapter. If the new owner complies with the provisions of this Chapter, the delinquent owner designation then terminates. If the new owner fails to timely register the rental dwelling unit, then the delinquent owner designation shall continue.

~~Subsequent owner designation shall terminate. If the new owner fails to timely register the rental dwelling unit, then the subsequent owner designation shall continue.~~

E. If the full amount of any fees due to the City is not paid by the owner within 30 days after billing, the director housing official shall cause to be recorded in the finance department the amount of fees due and owing, and such amount will be carried on the records of the city of Salisbury and shall be collectible in the same manner as real estate taxes are collected.

Section 15.26.070 Inspection of license.

Licenses issued under this chapter shall be made available for inspection upon request by the ~~department of building, housing and zoning~~ housing official.

Section 15.26.080 Transfer.

To transfer a rental dwelling unit registration from one property owner to another, the owner shall give written notice, including the name and address of the transferee to the ~~department of building, housing and zoning~~ housing official at least 48 hours prior to any transfer of the registered property. The transferee must make application to the ~~department of building, housing and zoning~~ housing official and pay the required fee for a transfer of a registration within 30 days of the transfer of the property. Failure to make application within the specified time limit will result in the automatic forfeiture of the registration, and the new owner shall be subject to all of the sanctions provided in this chapter.

Section 15.26.090 Inspection of premises.

B. In the R-5, R-8 and R-10 zoning districts, the city will perform random mandatory inspection of rental dwelling units. The ~~director of building, housing and zoning~~ housing official shall implement a procedure for random mandatory inspections.

D. If the full amount of fees due to the city is not paid by the owner within thirty (30) days after billing, then the ~~director of building, housing and zoning~~ housing official shall cause to be recorded in the finance department the amount of fees due and owing, and such amount will be carried on the records of the city of Salisbury and shall be collectible in the same manner as real estate taxes are collected. (Ord. 1899 (part), 2004)

Section 15.26.110 Denial; Non renewal; Revocation; Suspension

4. That after denial, non-renewal, revocation or suspension, the dwelling or the affected dwelling units therein must be vacated, and shall not be reoccupied until all violations are corrected and a license or registration is granted by the ~~department of building, housing and zoning~~ housing official.

Section 15.26.120 Appeals procedure.

A. Any person wishing to appeal a determination of the ~~department of building, housing and zoning~~ housing official of the Director recommending denial, nonrenewal, revocation, or suspension of a license shall file a written notice of appeal with the ~~department of building, housing and zoning~~ housing official within 21 days after receipt of the notice of denial, nonrenewal, revocation, or suspension. The notice shall contain a statement of the grounds for the appeal. The notice of appeal shall be accompanied by a fee of one hundred dollars (\$100.00).

CHAPTER 15.27

PROPERTY MAINTENANCE HABITUAL OFFENDER

Section 15.27.030 Nonrental dwelling units.

A. The owner of a nonrental dwelling unit who becomes an habitual offender shall be subject to inside and outside inspection of the dwelling unit by the ~~director of building, housing and zoning~~ housing official. The dwelling unit shall receive an annual inspection, at a minimum, during each of the next five years for a fee to be determined by resolution of the council from time to time.

D. If the full amount of the inspection fees due to the city are not paid by the owner within thirty (30) days after billing, then the ~~director of building, housing and zoning~~ housing official shall cause to be recorded in the finance office for the city a sworn statement showing the amount of fees due and the fees shall be collectible in the same manner as real estate taxes are collected. (Ord. 1900 (part), 2004)

Section 15.27.040

C. The owner of rental dwelling unit who becomes an habitual offender shall be subject to inside and outside inspection of the dwelling unit by the ~~department of building, housing and zoning~~ housing official. The dwelling unit shall receive an annual inspection during each of the next five years for a fee to be determined by resolution of council from time to time.

D. If the full amount of the inspection and license fees due to the city are not paid by the owner within thirty (30) days after billing, then the ~~director of~~

~~building, housing and zoning~~ housing official shall cause to be recorded in the finance office for the city a sworn statement showing the amount of fee due and the fees shall be collectible in the same manner as real estate taxes are collected. (Ord. 1900 (part), 2004)

CHAPTER 15.36

TRAILERS

Section 15.36.030 Special permit required for certain uses - Fee - Violations and penalties.

A. A trailer may be used in the city for occasional or temporary sales promotion, office or advertising purposes, other than residential purposes, but only if a special permit is obtained from the department ~~building, housing and zoning~~ permitting and inspection. Such special permit shall have the following restrictions:

1. The permit shall be effective for thirty (30) days only and shall be renewed after that time;
2. The permit shall be effective only for two days during each week of the thirty-day period;
3. The trailer may not be used in a residential area;
4. The trailer may not be parked on the street, but only on private property owned by the applicant or with the written permission of the owner and in compliance with setback requirements;
5. There shall be no sound truck use except with an additional sound truck permit.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the amendment set forth in 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 28th day of November, 2005, and having been published as required by law, in the meantime, was finally passed at its meeting on the ____ day of December, 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