

**ORDINANCE NO. 2038**

**ORDINANCE PERMIT  
AMENDED FOR SECOND READING**

**AN ORDINANCE OF THE MAYOR AND THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND TO AUTHORIZE ~~REV. JAMES EURE, JR. TO OPERATE~~ THE OPERATION OF A DAY CARE CENTER AT 326 DELAWARE AVENUE IN AN R-5 RESIDENTIAL DISTRICT AS REQUIRED BY SECTION 17.156.040A OF THE SALISBURY MUNICIPAL CODE.**

**WHEREAS**, the City of Salisbury has received a request in accordance with the provisions of Section 17.156.040A of Title 17, Zoning, of the Salisbury Municipal Code ~~by Rev. James Eure, Jr.~~ to operate a day care center in the existing building at 326 Delaware Avenue in an R-5 Residential District; and

**WHEREAS**, the Mayor and City Council may grant an Ordinance Permit for certain uses as specifically listed in Title 17, Zoning, of the Salisbury Municipal Code particularly Section 17.156.040A, and City Council, Section 17.12.080D; and,

**WHEREAS**, the Salisbury Planning Commission held a public hearing on June 17, 2006, reviewed all information, and gave a favorable recommendation to the Mayor and City Council on the request to establish the day care center with a capacity of children and infants as authorized by State of Maryland regulations; and,

**WHEREAS**, the City Council has determined that based upon a review of all testimony and evidence presented that the request should be granted pursuant to Section 17.156.040A of Title 17, Zoning, of the Salisbury Municipal Code,

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND**, that the Ordinance Permit authorizing Rev. James Eure, Jr. to operate a day care center at 326 Delaware Avenue is hereby granted, subject to the following Conditions of Approval:

**1. Name of Applicant. Premises.**

This Ordinance Permit is ~~in the name of Rev. James Eure, Jr. only and shall not be transferred without approval of the City Council.~~ **granted to the subject premises, in accordance with regulations of the State of Maryland.**

**2. Nature of Operation.**

This Ordinance Permit specifically authorizes ~~Rev. James Eure, Jr.~~ for the number of children and infants authorized by State of Maryland regulations at 326 Delaware Avenue for seven days a week for 365 days a year as long as this Ordinance Permit is in effect.

**3. Place of Operation.**

The authority granted by the City Council in this Ordinance Permit shall pertain only to the premises known as 326 Delaware Avenue and shall not be relocated without compliance with the Salisbury Municipal Code and approval of the City Council.

**4. Rules of Operation/Conditions**

- a. The Ordinance Permit shall be for children and infants subject to approval of the Office of Child Care Administration and Licensing and Regulations, Maryland Department of Human Resources.
- b. The day care center shall comply with all applicable State and local codes pertaining to licensing, health and safety, including Building, Fire, Plumbing, and Electrical Codes whether or not shown on the Plans approved by the Planning Commission or City Council.

**5. Crowd Control.**

- a. The applicants shall be responsible for maintaining control of all users and visitors on-site including any buildings and adjoining parking and play areas.
- b. In the event that day care center personnel feel there is an eminent danger to any enrollee or employee beyond their control, authorities shall be notified immediately.

**6. Change of Conditions**

No conditions shall be altered or changed by any person other than by Ordinance, approved by the Mayor and City Council.

**CONDITION:**

- 1. *A Resubdivision plat shall be completed incorporating the church properties and the parcel at 322 Delaware Avenue into one parcel. This action shall be completed prior to issuance of the final occupancy permit for the day care center.*

**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; and,

**THE ABOVE ORDINANCE** was introduced at a meeting of the Council on the 24th day of September, 2007, and having been published as required by law, in the meantime, was finally passed at its meeting on the 8th day of October, 2007.

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Louise Smith  
President of the City Council of  
The City of Salisbury

Approved by me this \_\_\_\_\_  
day of \_\_\_\_\_, 2007.

Witness:

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Barrie Parsons Tilghman  
Mayor of Salisbury

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Brenda J. Colegrove  
City Clerk