

Title 15

BUILDINGS AND CONSTRUCTION

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Chapter 15.04

BUILDING CODE*

Sections:

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- 15.04.030** **Amendments to the International Building Code (2000).**
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* Prior Ordinance History: Ords. 1597, 1607, 1609, 1641, 1701, 1808

15.04.010 **Adoption of International Building Code.**

A. The city of Salisbury adopts the 2000 International Building Code (IBC), pursuant to Article 83B, § 6-402 et seq. of the Annotated Code of Maryland (2000 Cumulative Supplement).

B. The Department of Housing and Community development adopted the 2000 International Building Code as the Maryland Building Performance Standards by regulation (COMAR Title 5. Subtitle 2. Chapter 7), with the following modifications:

1. Add footnote to Chapter 9 of the 2000 International Building Code.

Fire protection system requirements of Chapter 9 may be concurrently covered in the State fire Code, Article 38A, § 3-67 and COMAR 12.03.01. The State Fire Code is enforced by the State Fire Marshall or authorized fire official.

2. Add footnote to Chapter 10 of the 2000 International Building Code.

Means of egress requirements of Chapter 10 may be concurrently covered in the State Fire Code. Article 38A. § 3-67 and COMAR 12.03.01. The State Fire Code is enforced by the State Fire Marshall or authorized fire official.

3. Add footnote to Chapter 11 of the 2000 International Building Code.

New buildings and facilities may be designed and constructed to be accessible in accordance with this code and ICC/ANSI A117.1. Alterations as defined in Chapter 2 of the 2000 International Building Code shall be designed in accordance with COMAR 05.02.02 Maryland Accessibility Code.

4. Add footnote to Chapter 13 of the 2000 International Building Code.

The requirements concerning energy conservation for buildings and structures are governed by Article 78. § 54J. Energy Conservation Building Standards Act, Annotated Code of Maryland, as amended. In the event of a conflict between the Annotated Code of Maryland and IBC, the requirements of the Annotated Code of Maryland shall prevail.

5. Add footnote to Chapter 24 of the 2000 International Building Code.

The requirements for safety glazing set forth in Article 83B, §§ 6-301—6-306, Annotated Code of Maryland, are in addition to Chapter 24, Section 2406 of the IBC relating to safety glazing. In the event of a conflict between Chapter 24 of the IBC and the Annotated Code of Maryland, the requirements of the Annotated Code of Maryland shall prevail.

6. Delete Chapters 27, 28 and 29 of the IBC, as the subject matter is not within the scope of the Maryland Building Performance Standards.

7. The provisions of Chapter 30 of the IBC relate to elevators and conveying systems and are in addition to and not instead of the requirements set forth in Article 89, § 49B, Annotated Code of Maryland. In the event of a conflict between IBC and the Annotated Code of Maryland, the requirements of the Annotated Code of Maryland shall prevail.

8. Add footnote to Chapter 34 of the 2000 International Building Code.

Existing structures provisions of the IBC are replaced by the Maryland Building Rehabilitation Code Department of Housing and Community development under Article 83B, § 6-503, Annotated Code of Maryland.

(Ord. 1819, 2001)

15.04.020 Standard codes adopted.

The city of Salisbury adopts the following standard codes:

- A. The International Building Code (2000) (IBC), effective 11/1/01;
- B. The International Residential Code (2000) (IRC) Chapters 2 through 18 and Chapter 43, Referenced Standards;
- C. The International Mechanical Code (2000);
- D. The International Energy Conservation Code (2000);
- E. The city of Salisbury, Maryland adopts Chapter One “Administration” of the 2000 International Building Code. Chapter One, “Administration” of the 2000 IBC shall be the administrative chapter for the enforcement of regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two- family dwellings and multiple single-family dwellings, duplexes and townhouses not more than three stories in height with a separate means of egress and their accessory structures. (Ord. 1819, 2001)

15.04.030 Amendments to the International Building Code (2000).

The following additions and deletions are made to the International Building Code (2000):

- A. Chapter One of the International Building Code (2000) is adopted with the following modifications:
 1. Section 101.1 Title. These regulations shall be known as the Building Code of city of Salisbury, Maryland, herein referred to as “this code.”
 2. Add Section 101.2.2, Appendix B.

Appendix B, Board of Appeals, shall be adopted and shall govern the City of Salisbury Building Board of Adjustments & Appeals.

3. Delete Section 101.4.1, Electrical in its entirety.
4. Delete Section 101.4.2, Gas in its entirety.

5. Delete Section 101.4.4, Plumbing in its entirety.
6. Delete Section 10 1.4.5, Property Maintenance in its entirety.
7. Delete Section 101.4.6, Fire Prevention in its entirety.
8. Amend Section 105.2, Work Exempt from Permit to read:

Exceptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet.
 2. Fences less than fifty (50) lineal feet.
 3. Oil Derricks.
 4. Retaining walls which are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III -A liquids.
 5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
 6. Sidewalks and driveways not more that 30 inches above grade and not over any basement or story and which are not part of an accessible route.
 7. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
 8. Temporary motion picture, television and theater stage sets and scenery.
 9. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 36 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.
 10. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
 11. Swings and other playground equipment accessory to one- and two-family dwellings.
 12. Window awnings supported by an exterior wall of Group R-3, as applicable in Section 101.2, and Group U occupancies.
 13. Movable cases, counters and partitions not over 6 feet in height.
 14. "Replacement windows, doors vinyl siding and custom trim."
- Exception: Windows being replaced in bedrooms shall not be reduced in size or shall comply with minimum height and width requirements in accordance with Section 1009.2.1.

9. Section 108, Fees, Subsection 108.2 Schedule of Permit Fees.
10. Amend Section 108.4 Work Commencing Before Permit Issuance, to read:

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits may be subject to an additional fee established by the building official that shall be in addition to the required permit fees and may be two times the normal permit fee.

11. Add Section 109.7 Inspection fees. In the event that the building official must make more than two inspections on any required inspections listed in Section 109, the building official may charge an inspection fee of fifty dollars (\$50). Such fee shall be paid to the city of Salisbury prior to the inspection.

12. Delete in its entirety Section 112, Board of Appeals.
13. Amend Section 113.4, Violation penalties to read:

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law and may be subject to municipal infractions not to exceed \$500.00.

14. Amend Section 504.2 Automatic Sprinkler System Increase to read:

For buildings protected throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, the value specified in Table 503 for maximum height is increased by 20 feet and the maximum number of stories is increased by one story. The building height limitations for buildings with an occupancy in Use Groups R-1 and R-2 specified in Table 503 shall be increased one story and 20 feet, but may not exceed a height of four stories and 60 feet where the building is equipped throughout with an automatic sprinkler system installed in accordance with section 903.3.1.2. The building height limitations for buildings with an occupancy in Use Group R-3 specified in Table 503 is increased one story and 20 feet, but may not exceed a height of four stories and 60 feet where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.3. These increases are permitted in addition to the area increase.

15. Delete exceptions 6 in Section 705.6, Vertical Continuity, and replace with the following:

6. In Groups R-2 and R-3 as applicable in Section 101.2, walls are permitted to terminate at the roof sheathing or deck in Types III, IV and V construction, if:

6.1 The roof sheathing or deck is constructed of approved noncombustible materials or of fire-retardant treated wood for a distance of 4 feet on both sides of the wall, or

6.2 The building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903, or

6.3 All of the following:

6.3.1 The roof is protected with 5/8 inch Type X gypsum board directly beneath the underside of the roof sheathing or deck, supported by a minimum of 2-inch ledgers attached to the sides of the roof framing members, for a minimum distance of 4 feet on both sides of the fire wall, or

6.3.2 Openings in the roof are not located within 4 feet of the fire wall, and

6.3.3 The roof is covered with a minimum Class C roof covering.

16. Treads and Rises, Handrail Graspability.

- a. Delete exception 5 in Section 1003.3.3.3, Treads and Risers and replace with the following:

In occupancies in Use Group R-3, R-2 and Use Group U which are accessory to an occupancy in Use Group R-3, the maximum riser height shall be 8 inches and a minimum tread depth shall be 11 inches.

- b. Add new exception to Section 1003.3.3.11.3 Handrail Graspability, as follows.

Exception. For occupancies in R-3 as applicable in Section 101.2 and within dwelling units in occupancies Group R-2 as applicable in Section 101.2, the grip portion of handrails shall have a circular cross section of 1.25 inches minimum to 2.625 inches maximum. Other shapes that provide an equivalent grasping surface are permissible. Edges shall have a minimum radius of .125 inches.

17. Delete exception 2 of Section 1004.2.2.1 and replace with the following:

If a building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.2.1, the separation distance of the exit doors or exit access doorways may not be less than one-fourth of the length of the maximum overall diagonal dimension of the area served.

18. Delete Exception #2 of Section 1003.2.10.1 Where required.
19. Add new section to Section 1003.2.11.2 Illumination Emergency Power.

5. Emergency illumination shall be installed in “public bathrooms” in the following Occupancy Groups: A-1, A-2, A-3, B exceeding an occupant load of 50.E, F-1, I-1, I-2 and M.

20. Add new section to Section 1510.3 Recovering v. Replacement.

4. The removal of wood shakes shall not be required if the wood shakes were used as a “roof deck” and are in a condition which will allow adequate fastening ability.

21. Add language to 1609.1.3 Anchorage Against Overturning, Uplift and Sliding:

Structural members and systems, and components and cladding in a building or structure shall be anchored to resist wind-induced overturning, uplift and sliding and to provide a continuous load paths for these forces to the foundation. Where exterior walls, either combustible or noncombustible structural panels shall be installed horizontally over vertical structural members. Structural panels shall have a continuous connection to the sill plate. Where a portion of the resistance to these forces is provided by dead load, the dead load shall be taken as the minimum dead load likely to be in place during a design wind event. Where the alternate basic load combinations of Section 1605.3.2 are used, only two-thirds of the minimum dead load likely to be in place during a design wind event.

22. Add a new Section S109.4.1.1.1.

In-ground swimming pools shall have the required barriers installed prior to swimming pools being filled.

(Ord. 2000, 2006: Ord. 1819, 2001) 15.04.030

15.04.040 Amendments to the International Residential Code (IRC).

- A. Adopt Chapters 2 through 11, and Chapters 13 through 18 & 43.
 1. Add an exception to 303.4.1 Light Activation, and amend to read:

The control for activation of the required activation of the required interior stairway lighting shall be accessible at the top and bottom of each stairway without traversing any steps. The illumination of the exterior stairways shall be controlled from inside the dwelling unit.

Exceptions:

1. Lights that are continuously illuminated or automatically controlled;
2. Interior stairways consisting of less than six steps.

2. Delete the exception 1 of Section 312.1.2 and amend to read:

312.1.2 Landings and doors. There shall be a floor or landing on each side of exterior door.

Exceptions:

1. If a stairway of three or fewer risers is located on the exterior side of a door, other than the required main exit door, a landing is not required for the exterior side of the door.

3. Delete the first sentence in Section 3 14.2 Treads And Risers, and amend to read:

The maximum riser height shall be 8 inches and the minimum tread depth shall be 10 inches. The riser height shall be measured vertically between leading edges of the adjacent treads. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The walking face of treads and landings of a stairway shall be sloped no steeper than one unit vertical in 48 units horizontal (2 percent slope). The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch.

4. Delete Section 315.1 Handrails, and amend to read:

Handrails shall be provided on at least one side of stairways consisting of three or more risers. Handrails shall have a minimum height of 34 inches and a maximum height of 38 inches measured vertically from the nosing of the treads. All required handrails shall be continuous the full length of the stairs from a point directly above the top riser to a point directly above the lowest riser of the stairway. The ends of the handrail shall be returned into a wall or shall terminate in newel posts. A minimum clear space of 1 1/2 inches shall be provided between the wall and the handrail.

Exception:

1. Handrails may be permitted to be interrupted by a newel posts at a turn.

5. Delete Section 321.3.2 Membrane Penetrations, and amend to read:

Section 321.3.2 Membrane penetration. Membrane penetration shall comply with Section 321.3.1. If walls are required to have a minimum 1-hour fire resistance rating, recessed light fixtures shall be so installed that the required fire resistance will not be reduced.

Exceptions:

1. Steel electrical boxes that do not exceed 16 square inches if the total area of openings does not exceed 100 square inches for any 100 square feet of wall area. Outlet boxes on opposite sides of the wall shall be separated as follows:

- 1.1 By a horizontal distance of not less than 24 inches, or

1.2 By a horizontal distance of not less than the depth of the wall cavity when the wall cavity is filled with cellulose loose-fill or mineral fiber insulation, or

1.3 By solid fire blocking in accordance with Section 602.8.1, or

1.4 By other listed materials and methods.

2. Membrane penetrations for listed electrical outlet boxes of any materials are permitted if the boxes have been tested for use in fire resistance rated assemblies and are installed in accordance with the instructions included in the listing.

3. The annular space created by the penetration of a fire sprinkler if it is covered by a metal escutcheon plate.

6. Add a section to Section 324.1 Subterranean Termite Control, and amend to read:

In areas favorable to termite damage as established by Table 301.2(1), methods of protection shall be by chemical soil treatment, pressure preservative treated wood in accordance with the AWP standards listed in Section 323.1, naturally termite-resistant wood or physical barriers (such as metal or plastic termite shields), or any combination of these methods.

Add new section:

1. If metal is used as a termite barrier the metal edges shall extend at a minimum 2 inches beyond the interior of the foundation wall and extend at a minimum of 2 inches around the entire perimeter of the foundation piers.

7. Delete the second paragraph of Section 403.1.6 Foundation Anchorage, and amend to read:

Section 403.1.6 Foundation anchorage. Footings shall be supported on undisturbed natural soil or engineered fill. The sill plate or floor system shall be anchored to the foundation with 1/2 diameter bolts with a minimum of 2-inch washers. Anchor bolts shall be spaced a maximum of 6 feet on center and not more than 12 inches from corners. Bolts shall extend a minimum of 15 inches into masonry or 7 inches into concrete. A nut and washer shall be tightened on each bolt to the plate. Sills and sole plates shall be protected against decay and termites where required by Sections 322 and 323. Cold formed steel framing systems shall be fastened to the wood sill plates or anchored directly to the foundation as required by Section 505.3.1 or 603.1.1.

8. Add a Section and exception to Section 602.10.8 Connections.

Braced wall panel sole panel sole plates shall be fastened to the floor framing and top plates shall be connected to the framing above in accordance with Table 602.3(1). Sills shall be fastened to the foundation or slab in accordance with Sections 403.1.6 and 602.11. Where joists are perpendicular to the braced wall lines above, blocking shall be provided under and in line with the braced wall panels.

All first floor structural panels shall overlap the rim joist/floor assembly and shall be fastened to the sill plate. Where the structure is more than one-story, all exterior walls of all additional floors shall have their wall structural panels overlapped and fastened to the story directly below.

Exception:

1. Approved metal straps installed in accordance with manufacturers' recommendations may be used to connect floors together.

9. Delete Section 907 Reroofing, in its entirety, and replace with the following:

Reroofing shall be in accordance with Section 1510 of the 2000 International Building Code.

(Ord. 1819, 2001)

Chapter 15.08

DEVELOPMENT IMPACT FEES

Sections:

15.08.010	Short title.
15.08.020	Legislative policy.
15.08.030	Intent.
15.08.040	Authority.
15.08.050	Definitions.
15.08.060	Applicability of impact fee.
15.08.070	Imposition of impact fee.
15.08.080	Capital improvements program.
15.08.090	Calculation of impact fee (nonresidential).
15.08.100	Calculation of impact fee (residential).
15.08.110	Administration of impact fee.
15.08.120	Refunds.
15.08.130	Effect of impact fee on zoning and subdivision regulations.
15.08.140	Impact fee as additional and supplemental requirement.
15.08.150	Credits.
15.08.160	Liberal construction.
15.08.170	Severability.

15.08.010 Short title.

This chapter shall be known and cited as the "Development Impact Fee Chapter." (Ord. 1573 (part), 1993)

15.08.020 Legislative policy.

The city council (hereinafter "council") finds and declares that:

A. The city is responsible for and committed to the provision of public facilities and services at levels necessary to cure any existing public service deficiencies in already developed areas;

B. Such facilities and service levels shall be provided by the city utilizing funds allocated via the city budget process and relying upon the funding sources indicated therein;

C. However, new residential and nonresidential development may cause and impose increased and excessive demands on city public facilities and services including, but not limited to, sanitary sewers, storm water sewers and water lines that would not otherwise be necessary;

D. Planning and zoning projections indicate that development will continue and will place ever-increasing demands on the city to provide necessary public facilities;

E. The amount of the impact fee to be imposed shall be determined by the cost of the additional public facilities, set forth in a capital improvements plan, needed to support development; and

F. The council, after careful consideration of the matter, finds and declares that an impact fee imposed upon residential and nonresidential development in order to finance specified major public facilities, the demand for which is created by such development, is in the best interest of the general welfare of the city and its residents. Such a fee shall be equitable and shall not impose an unfair burden on development by forcing users of new service to pay more than their fair or proportionate share of the cost. Therefore, the council deems it advisable to adopt this chapter as hereinafter set forth. (Ord. 1573 (part), 1993)

15.08.030 Intent.

This chapter is intended to impose an impact fee at the time of a developer's request for public utilities or improvements in an amount based upon the proportionate cost to provide public improvements to meet the demand which is generated by new service. Impact fees shall not exceed the cost of providing capital improvements for which the need is substantially attributable to those developments that pay the fees. Payment of the fees is to be established pursuant to the terms of this chapter. Mode of assessment being a legislative question, it is the intent of this chapter that the assessment be a definite and just plan. (Ord. 1573 (part), 1993)

15.08.040 Authority.

The city is vested with the power to enact this legislation by the Annotated Code of the State of Maryland. The provisions of this chapter shall not be construed to limit the power of the city to adopt regulations pursuant to any other source of local authority or to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this chapter. (Ord. 1573 (part), 1993)

15.08.050 Definitions.

As used in this chapter, the following words and terms shall have the following meanings, unless another meaning is plainly intended:

“Capital budget” means a separate budget dedicated to financing capital improvements.

“Capital costs” means costs associated with public facilities that are treated as capitalized expenses according to generally accepted accounting principles and does not include costs associated with the operation, administration or maintenance of public facilities.

“Capital improvements” include, but are not limited to, the acquisition of land, construction, improvements, equipping the facility and installing of equipment which are identified in the capital improvements plan with regard to the following:

1. Sanitary sewers and wastewater treatment facilities;
2. Water treatment and distribution facilities;
3. Storm and flood control facilities;
4. Solid waste facilities;
5. Other improvements, the costs of which may be substantially attributed to new development.

“Capital improvements plan” shall be part of the comprehensive development plan, which contains:

1. Standards for level of service for the capital facilities and infrastructure to be fully or partially funded with impact fees;
2. Proposed capital improvements and sites for the same; and

3. May include provisions to spend impact fees to their best advantage if those fees will be used as part of the financing for a particular capital improvement and where expenditure of the funds may be out of the control of the local governing body.

“Capital improvements program” means the official adopted schedule of capital improvements to be undertaken, the year in which they will be undertaken, and the estimated time and cost of construction.

“City” means the city of Salisbury, a duly constituted body politic of the state of Maryland.

“Council” means the duly constituted city council of the city of Salisbury, state of Maryland.

“Comprehensive plan” means the official land use plan of the city of Salisbury, state of Maryland.

“Development” means any man-made change to improved or unimproved real property.

“Equivalent dwelling unit (EDU)” means a two-bedroom residential unit with individual water and sewer services for the dwelling unit.

“Impact fee” means any charge, fee or assessment levied pursuant to this chapter as a condition of the activation of new service.

“New service” means any application for new water or sewer service or upgraded water or sewer service made after April 1, 1994, except any development which has received a building permit by April 1, 1994, or has applied and provided all necessary plans required by a building permit by March 1, 1994. Such building permits shall exempt the development during the initial permitting period and shall not exempt the development during any subsequent extension of the permit.

“Nonresidential development” means any development other than residential development as defined herein.

“Residential development” means any development approved by the city of Salisbury for townhouse, single-family, duplex or triplex residential use or other residential use that is served with one service per dwelling unit.

“Site” means the land on which development takes place.

“Zoning ordinance” means the official adopted zoning map and text regulating all development and land use in the city of Salisbury, state of Maryland. (Ord. 1573 (part), 1993)

15.08.060 Applicability of impact fee.

This chapter shall be uniformly applicable to development that necessitates new service. (Ord. 1573 (part), 1993)

15.08.070 Imposition of impact fee.

A. Such fees shall be levied against the owner of the property and shall obligate the owner to pay the fee within the time prescribed for payment of the water bill.

B. Impact fees shall not exceed the cost of providing capital improvements for which the need is reasonably attributable to those developments that pay the fees. The fees shall be spent on new or enlarged capital improvements that reasonably benefit those developments that pay the fees.

C. In formulating the applicable assessment for capital facilities and infrastructure, the following factors have been or will be considered:

1. The need for new facilities to serve new development based on a capital improvements plan that shows (a) any deficiencies in existing facilities that serve existing development and the means by which existing development will be assessed and assessments used to make up such deficiencies, and (b) any capital improvements that are attributable to the demands placed on specified facilities by new development;

2. The need for impact fees considering the availability of other means to fund capital improvement including, but not limited to, user charges, taxes, intergovernmental transfers and other revenue and special taxation or assessment districts;

3. The cost of existing capital improvements;

4. The method by which the existing capital improvements were financed;

5. The extent to which developments paying the impact fee already have contributed to the cost of the existing facility and the credit against impact fees that may be due therefrom;

6. The extent to which new development will contribute to the cost of the existing facility in the future (i.e, user fees, debt payments or proportion of future taxes reasonably expected to be used for future capital costs) and the credit against impact fees that may be due therefrom;

7. The extent to which new development is required as a condition of approval to construct facilities that substantially benefit other development and the credit against impact fees that may be due therefrom; and

8. The time-price differential inherent in comparisons of amounts paid and benefits received at different times and the credit against or reduction in impact fees that may be due therefrom. (Ord. 1692 § 1, 1998; Ord. 1573 (part), 1993)

15.08.080 Capital improvements program.

A proposed list of capital improvements will be maintained by the city in the appropriate department. (Ord. 1573 (part), 1993)

15.08.090 Calculation of impact fee (nonresidential).

A. The city shall calculate the amount of the applicable impact fee due for each nonresidential development requiring an imposition of an impact fee quarterly.

B. The following formulas shall be used to calculate the impact fees:

1. Water service impact fees = water usage (quarterly) x price per thousand (1,000) gallons of service*

2. Sewage service impact fees = water usage (quarterly) x price per thousand (1,000) gallons of service**

C. Water usage, as used in the above formula, shall be the city-read metered service for water. Price per-thousand-gallon of service shall be recommended by the city's department of public works during its evaluation of the capital improvements plan. The council, during the adoption of the annual budget, may amend the per-thousand-gallon cost as capital improvements projects are completed, proposed or as amendments are needed. Nonresidential development fees will be paid at a rate derived from the unit capacity cost using the average annual use per gallon of capacity as the basis for cost distribution. In addition, the rates will be adjusted annually to take into consideration discount rates of funds and also rates will be indexed annually in accordance with the recognized cost of living adjustment in order to take into consideration the time value of money. (Ord. 1573 (part), 1993)

* Editor's Note: \$1.78/1,000 gal. from 1/1/94 to 6/30/94. Thereafter, as established in the annual budget.

** Editor's Note: \$1.78/1,000 gal. from 1/1/94 to 6/30/94. Thereafter, as established in the annual budget.

15.08.100 Calculation of impact fee (residential).

A. The city shall calculate the amount of the applicable impact fee due for residential development and such impact fee will be paid on an equivalent dwelling unit basis using a two-bedroom dwelling as one equivalent dwelling unit. The following represents other sizes of residential dwelling units and their corresponding equivalent dwelling unit value:

1 Bedroom at	90 GPD	=	0.67 EDU
2 Bedroom at	135 GPD	=	1.00 EDU
3 Bedroom at	185 GPD	=	1.37 EDU
4 Bedroom at	235 GPD	=	1.75 EDU
5 Bedroom and larger at	285 GPD	=	2.10 EDU

B. All rates will be indexed annually in accordance with the recognized cost of living adjustment in order to take into consideration the time value of money. The impact fee due for one equivalent dwelling unit shall be six hundred twenty-seven dollars and seventy-five cents (\$627.75) for the period January 1, 1994, to June 30, 1994. Thereafter, as established in the annual budget. (Ord. 1573 (part), 1993)

15.08.110 Administration of impact fee.

A. Upon receipt of impact fees, the city finance department shall deposit such funds in interest-bearing accounts in a bank authorized to receive deposits of city funds. Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for such funds.

B. The city finance department shall maintain and keep accurate financial records for each account that shall show monies disbursed to each department and the source of the monies disbursed; shall account for all monies received; and shall provide an annual accounting for each impact fee account showing the source and amount of all funds collected and the projects that were funded.

C. The city shall annually, in conjunction with the capital budget and capital improvements plan adoption processes, review the development potential of the city and the capital improvements plan and make modifications as are deemed necessary as a result of: (1) development occurring in the prior year; (2) capital improvements actually constructed; (3) changing facility needs; (4) inflation; (5) revised cost estimates for capital improvements; (6) changes in the availability of other funding sources applicable to public facility projects; and (7) other factors as may be relevant. Modifications to the capital improvements program shall be recommended for adoption during the annual budget process. (Ord. 1573 (part), 1993)

15.08.120 Refunds.

A. Any developmental impact fee not expended by the end of the calendar year, immediately following ten years from the date of payment, shall, upon written petition of the claimant to the director of the department of finance, be returned to the claimant with interest as established by state law. The FIFO method of account shall be used for tracking these funds.

B. The procedure for a refund shall be as follows:

1. A claim for refund shall be filed in writing with the director of the department of finance by the individual, corporation, partnership, firm or other entity that paid the impact fee directly to the city.

2. For purposes of this chapter, the owner of the property shall be presumed to be the direct fee payer and, as such, entitled to the refund. However, a claimant, other than the property owner, who is able to provide supporting documentation to the director of the department of finance to rebut that presumption may make a claim for refund. However, in no event shall two refunds be granted for the same property pursuant to this provision.

3. A claim for refund must be made in the form and verified in the manner required by the director of the department of finance.

4. A claim shall be supported by any supporting documentation the claimant wishes to provide to enable the director of the department of finance to reach a decision.

5. A claim for refund shall include a statement that the claimant is the one who paid the fee and is entitled to the refund and will release, indemnify and hold the city harmless from any liability with regard to the refund of any impact fees.

6. A claim for refund must be filed within one year of the event giving rise to the refund.

7. After reviewing the claim and supporting documentation the director of the department of finance shall approve or disapprove the claim and, if approved, shall pay the claimant the impact fee with interest, at the applicable rate as set by state law, from the date of payment to the date of the director's decision.

8. Any person aggrieved with the decision of the director of the department of finance can appeal within ten days of the date of the decision by filing a written appeal with the city council and filing the same with the city clerk.

9. Should any claimant for refund under this chapter have any other charge, assessment, fee or tax unpaid and delinquent to the city, then any refund approved under this chapter shall first be applied to the payment of such unpaid and delinquent charge, assessment, fee or tax. (Ord. 1573 (part), 1993)

15.08.130 Effect of impact fee on zoning and subdivision regulations.

This chapter shall not affect, in any manner, the permissible use of property, density of development, design and improvements standards and requirements or any other aspect of the development of land or provision of capital improvements subject to the zoning and subdivision regulations or other regulations of the city, which shall be operative and remain in full force and effect without limitation with respect to all such development. (Ord. 1573 (part), 1993)

15.08.140 Impact fee as additional and supplemental requirement.

The impact fee is additional and supplemental to, and not in substitution of, any other requirements imposed by the city on the development of land or the issuance of building permits. It is intended to be consistent with and to further the objectives and policies of the comprehensive plan, and other city policies, ordinances and resolution by which the city seeks to ensure the provision of public facilities in conjunction with the development of land. An applicant or a property owner may be required to pay, pursuant to city ordinances, regulations or policies, for other capital improvements in addition to the impact fee for capital improvements as specified herein. (Ord. 1573 (part), 1993)

15.08.150 Credits.

A. With the consent of the city, an applicant or a property owner may elect to construct a capital improvement listed in the capital improvement plan. If the applicant or property owner elects to make such improvement, the applicant and/or property owner must enter into an agreement with the city prior to the application for new service. The agreement must establish the estimated cost of the improvement, the schedule for initiation and completion of the improvement, a requirement that the improvement be completed to city standards and such other terms and conditions as deemed necessary by the city. The city must review the improvement plan, verify costs and time schedules, determine if the improvement is an eligible improvement and determine the amount of the applicable credit for such improvement to be applied to the otherwise applicable impact fee prior to the application for new service. In no event may the city provide a refund for a credit that is greater than the applicable impact fee. If, however, the amount of the credit is calculated to be greater than the amount of the impact fee due, the applicant or property owner may utilize such excess credit toward the impact fees imposed on other development on the same site and in the same ownership.

B. Upon request made at the time of dedication, the city may provide credits for other future monetary and nonmonetary contributions by the developer to the construction of the same public facility or construction of an improvement that meets the same needs as the developmental impact fee.

C. No credits shall be given for the construction of local on-site facilities required by zoning, subdivision or other city regulations.

D. Nothing herein shall restrict the city from granting tax credits to developers or property owners whose projects achieve other city policies, including, but not limited to, the provision of affordable housing, elimination of slum and blight, and the encouragement of new employment opportunities and the retention of existing employment. (Ord. 1573 (part), 1993)

15.08.160 Liberal construction.

The provisions of this chapter are found and declared to be in furtherance of the public health, safety, welfare and convenience, and it shall be liberally construed to effectively carry out its purposes. (Ord. 1573 (part), 1993)

15.08.170 Severability.

Should any sentence, section, clause, part or provision of this chapter be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the chapter as a whole, or any part thereof, other than the part declared to be invalid. (Ord. 1573 (part), 1993)

Chapter 15.12

ELECTRICAL STANDARDS

Sections:

- 15.12.010 Conformance with provisions required—Applicability.**
- 15.12.020 Adoption of standards by reference.**
- 15.12.030 Adoption of List of Inspected Electrical Appliances by reference.**
- 15.12.040 Inspections—Right of entry—Nonconforming electrical work.**

15.12.010 Conformance with provisions required—Applicability.

After the effective date of this chapter, within the city no electric wiring for light, heat, power or any other purpose shall be installed in any building or structure or for any outdoor electrical displays or signs or in any yard or open-air lot, nor shall any major alteration or extension of an existing electric wiring system be made, except in conformity with the provisions of this chapter, nor shall an existing electric wiring system be maintained within the city in defective and unsafe condition within the meaning of such code provided for in this chapter; and after the effective date of this chapter, no electric utility company shall connect to any consumer's property within the city, unless the wiring thereof was done before the effective date of this chapter, until either the electric wiring has been inspected and approved pursuant to this chapter or the consumer has requested immediate connection and has warranted that he will furnish evidence of inspection and approval of such electric wiring within thirty (30) days; provided, however, that this chapter shall not apply to emergencies, to federal government buildings, to electric wiring and installations in railway cars or automotive equipment or the installation of equipment employed by a railway, electric or communication utility or a communication transportation system and located outdoors or in buildings used exclusively for that purpose. (Prior code § 65-1)

15.12.020 Adoption of standards by reference.

Except as may be provided otherwise in this chapter, the current requirements of the National Electrical Code, as revised from time to time, being the regulations of the National Board of Fire Underwriters for electric wiring and apparatus, shall be deemed to be the requirements imposed by this chapter, such National Electrical Code, as revised from time to time, being hereby adopted by reference as the electrical code of the city and being herein incorporated in its entirety by reference. (Prior code § 65-2)

15.12.030 Adoption of List of Inspected Electrical Appliances by reference.

Except as may be provided otherwise in this chapter, the materials, fittings and devices enumerated in the List of Inspected Electrical Appliances of Underwriters' Laboratories, Inc., as revised from time to time, shall be acceptable as suitable for use under this chapter, such List of Inspected Electrical Appliances, as revised from time to time, being adopted by reference as the approved list of acceptable appliances of the city, and such list being incorporated herein in its entirety by reference. (Prior code § 65-3)

15.12.040 Inspections—Right of entry—Nonconforming electrical work.

A. The Middle Department Association of Fire Underwriters shall, during installation of an electric wiring system, make or cause inspections to be made to assure compliance with the National Electrical Code adopted in this chapter by reference.

B. The Middle Department Association of Fire Underwriters shall, within a reasonable time after notice of the completion of electrical wiring, make an inspection of such work and such tests as may be necessary to determine that it conforms with the provisions of such code and shall make a reinspection of an electric wiring installation whenever it deems it necessary in the interest of public safety.

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, 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, 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, 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; provided 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. (Ord. 1974 (part), 2005; prior code § 65-4)

Chapter 15.16

FLOODPLAIN MANAGEMENT

Sections:

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- 15.16.010 Title.
- 15.16.020 Purpose and authority.
- 15.16.030 Abrogation and greater restrictions.
- 15.16.040 Permit required.
- 15.16.050 Severability.
- 15.16.060 Disclaimer of liability.
- 15.16.070 Definitions.

Article II Permit Procedures

- 15.16.080 Permit required.
- 15.16.090 Application information.
- 15.16.100 Issuance of permit.
- 15.16.110 Conditioned permits for accessory structures and garages.
- 15.16.120 Fees.
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- 15.16.140 Identification of flood zones.
- 15.16.150 Floodplain zones.
- 15.16.160 Floodplain boundaries.

Article IV General Development Regulations in Floodplain Zones

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Article I General Provisions

15.16.010 **Title.**

This chapter shall hereafter be referred to as the “City of Salisbury Floodplain Management Ordinance.”
(Prior code § 77-1)

15.16.020 **Purpose and authority.**

A. The purposes of this chapter are to protect human life and health, minimize property damage, encourage appropriate construction practices to minimize future damage, protect individuals from unwittingly buying land subject to flood hazards and to protect water supply, sanitary sewage disposal and natural drainage. The prevention of unwise development in areas subject to flooding will reduce financial burdens to the community and the state and will prevent future displacement and suffering of its residents. This protection is achieved through the review of all activities proposed within identified floodplains and by the issuance of permits for those activities that comply with the objectives of this chapter.

B. Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced.

C. This chapter provides a unified, comprehensive approach to floodplain management which addresses these natural floodplain functions and the federal and state programs concerned with floodplains management. These programs are the National Flood Insurance Program (44 CFR 59-79); the state’s Tidal and Nontidal Wetlands Permit Programs; the United States Army Corps of Engineers’ Section 10 and 404 Permit Programs; and the state’s Coastal Zone Management Program. Decisions to alter floodplains, especially floodways and stream

channels, should be the result of careful planning processes which evaluate resource conditions and human needs. (Prior code § 77-2)

15.16.030 Abrogation and greater restrictions.

This chapter supersedes any floodplain ordinance in effect in flood-prone areas.
(Prior code § 77-3)

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 that development from the department of building, permitting and inspections and must comply with all provisions of this chapter. (Ord. 1974 (part), 2005: prior code § 77-4)

15.16.050 Severability.

If any part of this chapter is declared invalid, the remainder of the chapter shall not be affected and shall remain in force. (Prior code § 77-5)

15.16.060 Disclaimer of liability.

The degree of flood protection provided by this chapter is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. Floods of greater magnitude may occur or flood heights may be increased by man-made or natural causes. This chapter does not imply that flooding will not occur outside of the delineated floodplain zone or that permitted development and land uses within the floodplain will be free of flooding and associated flood damage. This chapter does not create liability on the part of the community, any officer or employee thereof for any damage which may result from reliance on this chapter. (Prior code § 77-6)

15.16.070 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

“Accessory structure” means a detached structure on the same parcel of property as the principal structure, the use of which is incidental to the principal structure.

“Base flood” means the one hundred (100) year frequency flood event as indicated in the Flood Insurance Study, as amended, the elevation of which is used for regulatory purposes in this chapter.

“Basement” means an enclosed area which is below grade on all four sides.

“Breakaway wall” means a wall that is not part of the structural support of a building and is intended to collapse under specific lateral loading forces without causing damage to the supporting foundation system of the building.

“Certificate of occupancy or use” means a permit to legally occupy or use a building for the intended purpose.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to constructing buildings and other structures, dredging, filling, grading, paving, clearing, excavating or storing of equipment or materials. “Development” includes subdivision of land.

“Elevation certificate” means a form supplied by the Federal Emergency Management Agency (FEMA) to certify as-built elevations of structures above mean sea level (NGVD).

“Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or rapid unusual accumulation of runoff from any source.

“Flood insurance rate map (FIRM)” means a map which depicts the minimum special flood hazard area to be regulated by this chapter (unless a floodway map is available).

“Flood insurance study” means the evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide and/or flood-related erosion hazards.

“Floodplain” means that land typically adjacent to a body of water, with ground surface elevations that are inundated by the base flood.

“Floodproofing” means any combination of structural or nonstructural changes which reduce or eliminate flood damage to improved property.

“Floodproofing certificate” means a form supplied by FEMA to certify that a building has been designed and constructed to be structurally dry-floodproofed to the flood-protection elevation.

“Flood-protection elevation (FPE)” means the elevation of the base flood plus one foot freeboard.

“Floodway” means the channel and adjacent land area required to discharge the waters of the one hundred (100) year flood of a watercourse without increasing the water surface elevations more than a specified height.

“Floodway fringe” means that portion of the floodplain outside the floodway.

“Floodway map” means a map which depicts floodways and special flood hazard areas to be regulated by this chapter.

“Freeboard” means an increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, wave actions, subsidence or other unpredictable effects.

“Historic structure” means a structure listed individually on the National Register of Historic Places, the Maryland Inventory of Historic Properties, a local inventory of historic places certified by the Maryland Historic Trust or the Secretary of the Interior, or preliminarily determined as meeting the requirements for such listing by the Maryland Historic Trust or the Secretary of the Interior, or determined as contributing to the Historic Trust of the Secretary of the Interior, or determined as contributing to the historic significance of a historic district registered with Secretary of the Interior.

“Local permitting official” means the director of building, permitting and inspections.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement. An unfinished enclosure constructed of flood-resistant materials and used solely for the parking of vehicles, storage or building access in an area other than a basement is not the “lowest floor,” as long as it is supplied with water-equalizing vents.

“Manufactured home” means a transportable structure which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

“New construction” means a structure for which the start of construction commenced on or after the effective date of the adoption of a floodplain management ordinance, and includes any subsequent improvements.

“NGVD” means National Geodetic Vertical Datum of 1929 elevation reference points set by the National Geodetic Survey based on mean sea level.

“Nonconversion agreement” means a form supplied by the department of building, housing and zoning to certify that a building will never be used for human habitation.

“One hundred (100) year frequency flood” means the base flood, having one chance in one hundred (100) (a one percent chance) of being equaled or exceeded in any year.

“Permanent construction” means any structure occupying a site for more than one hundred eighty (180) days per year.

“Recreational vehicle” means a vehicle built on a single chassis which is four hundred (400) square feet or less at the longest horizontal projection, self-propelled or towable and designed primarily for temporary living while traveling or camping.

“Start of construction” means the date of issue of the building permit for any development, including new construction and substantial improvements, provided that the actual start of the construction or improvement was within one hundred eighty (180) days of permit issuance. The actual start of construction is the placement of slab or footings, piles or columns or the actual placement of a manufactured home. For substantial improvement, the start of construction is the first alteration of any structural part of the building.

“Structure” means a walled and roofed building, including but not limited to manufactured homes, gas and liquid storage tanks, garages, barns and sheds.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure (less land value) either before the improvement or repair is started or, if the structure has incurred substantial damage and been restored, before the damage occurred. Substantial improvement occurs when the first alteration of any wall, ceiling, floor or other structural part of the building commences. The minimum repairs needed to correct previously identified violations of local health, safety or sanitary codes, and alterations to historic structures which do not preclude their continued designation as historic structures, are not considered substantial improvements.

“Temporary structure” means any structure completely removed within one hundred eighty (180) days from issuance of the permit.

“Variance” means the grant of relief from a term or terms of this chapter.

“Wetland” means any land which is:

1. Considered private wetland or state wetland pursuant to Title 9, Wetland and Riparian Rights, Natural Resources Article, Annotated Code of Maryland; or
2. Defined as wetland under the procedures described in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands by the Federal Interagency Committee for Wetland Delineation, 1989, as amended. (Ord. 1974 (part), 2005; prior code § 77-7)

Article II Permit Procedures

15.16.080 Permit required.

A permit is required for all development in any floodplain zone. It shall be granted only after all other necessary permits are approved by federal and state agencies. A permit issued by the local permitting official under this chapter is not valid until all other necessary permits for development are approved. However, receipt of federal or state permits does not exempt development from the provisions of this chapter. (Prior code § 77-8)

15.16.090 Application information.

- A. Applications for a permit shall contain, at a minimum, the following information:
 1. The name, address and phone number of the applicant (owner or agent of owner);
 2. The name, address and phone number of the owner, if different;
 3. The name, address and phone number of contractor;
 4. A legal description of the site location;
 5. Proposed uses for the site location;
 6. The type, dimensions and estimated cost of development proposed;
 7. Site characteristics and improvements;
 8. Other information deemed appropriate by the director of public works.

- B. All permit applications must have a site plan drawn to scale which shows:
 - 1. The dimensions of the site;
 - 2. The size and location of existing and proposed structures or alterations;
 - 3. Setbacks;
 - 4. Elevation contours in mean sea level (NGVD) and boundary;
 - 5. The one hundred (100) year floodplain boundary as shown on the FIRM drawing, current edition, as applicable to the property;
 - 6. Proposed elevations of the lowest floor and method of elevation, if applicable.

C. An elevation certificate must be submitted before a certificate of occupancy or use may be issued. Work undertaken prior to submission of the certification is at the applicant's risk. For enclosed areas below the flood-protection elevation, a nonconversion agreement may be required, which includes an agreement to install water-equalizing vents as specified in Section 15.16.320.

D. If an improvement to an existing structure is proposed, adequate information on the cost of the improvement and the market value of the structure before the improvement must be supplied to the local permitting official to allow a determination of substantial improvement. The local permitting official may use tax assessment records to determine substantial improvement. (Prior code § 77-9)

15.16.100 Issuance of permit.

A. Considerations.

1. Prior to the issuance of a permit, the local permitting official shall determine the location of the project relative to floodways or floodplains and shall note on the permit the proper elevation to which the lowest floor of proposed structures must be elevated. In approximate floodplains where an elevation is not available, the applicant shall be required to obtain such elevation. The applicant must agree to secure all other permits, elevation certificates, floodproofing certificates, engineering studies or other verifications required by law.

2. Permits shall be granted by the local permitting official only after determining that the proposed development will be in complete conformance with the requirements of this chapter and all other applicable local codes and chapters. All other necessary permits or approvals must be applied for or granted.

B. Dam Safety. Caution should be exercised when approving development downstream of existing or proposed dams. The condition of the dam, as well as the design criteria, hazard class and the danger reach, should be investigated to avoid increasing potential hazards. Dams must meet design criteria based on the potential impacts downstream of the dam. Downstream development within the dam break flood wave shall be denied unless the dam meets the design standards for a high-hazard dam. Downstream development shall be reviewed by the Salisbury department of public works prior to the issuance of permits.

C. After Issuance and During Construction.

1. After the issuance of a permit, no changes of any kind shall be made to the application, permit or any of the plans or other documents submitted with the application without the written approval of the local permitting official. A copy of the permit or other verification must be displayed at the construction site during construction activity.

2. Work on the permitted activity shall begin within ninety (90) days of the issuance of the permit, or the permit shall expire, unless a written extension is granted by the local permitting official.

3. During construction, the local permitting official or an authorized representative shall inspect the site to determine that the work is in compliance with the permit. Any work found to be noncompliant must be corrected before any additional work is undertaken.

D. Record of Permits. A record of all floodplain permits shall be maintained and be available upon request by the Federal Emergency Management Agency or its authorized agent (Water Resources Administration)

during periodic assessments of this community's participation in the National Flood Insurance Program. All documents needed to support any permit action, such as elevation certificates, map amendments or revisions or variance actions, shall be available for review during these assessments. (Prior code § 77-10)

15.16.110 Conditioned permits for accessory structures and garages.

A. A conditioned permit may be issued at the discretion of the local permitting official when the three-hundred-square-foot exemption is exceeded for accessory structures, up to a total size of six hundred (600) square feet. In order to qualify, the structure's use must be incidental to the primary structure, and it can be used only for limited storage and parking of vehicles. The provisions of Section 15.16.360 must be met.

B. A conditioned permit is subject to the applicant's completion of a nonconversion agreement stating that the use of the accessory structure may not change from that permitted and that it must be equipped with the proper water-equalizing vents. A statement of the greater flood risk and possibly higher flood insurance premiums must be included. In addition, a recordation on the deed or memorandum of land restriction must be made, as described in Section 15.16.410(E), stating that the permitted structure may not be used for human habitation without first complying with the construction requirements of this chapter. (Prior code § 77-11)

15.16.120 Fees.

A fee of twenty-five dollars (\$25.00) will be charged for the issuance of a floodplain permit. (Prior code § 77-12)

15.16.130 Violations—Penalties.

A. Any person who fails to comply with any requirement or provision of this chapter or lawful direction of any authorized employee of the city of Salisbury shall be guilty of a municipal infraction and subject to a fine of one hundred dollars (\$100.00) for each initial offense and two hundred dollars (\$200.00) for each repeat offense.

B. Each day during which any violation of this chapter continues shall constitute a separate offense.

C. The imposition of a fine or penalty for any violation or noncompliance with this chapter shall not excuse the violation or noncompliance or permit it to continue, and all such persons shall be required to correct or remedy such violations and noncompliance.

D. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this chapter shall be declared a public nuisance and be abatable as such.

E. The Federal Insurance Administrator and the Maryland Water Resources Administration shall be notified immediately in writing of any structure or property in violation of this chapter.

F. New or renewal National Flood Insurance may be denied for any structure remaining in violation or situated on property in violation of this chapter. (Prior code § 77-13)

Article III Establishment of Floodplain Zones

15.16.140 Identification of flood zones.

The regulatory floodplain shall be those areas of Salisbury, Maryland, which are subject to the one-hundred-year flood, delineated on the most recent revision of the community's floodway maps and Flood Insurance Rate Maps (FIRM) and described in the Flood Insurance Study (FIS) prepared by the Federal Emergency Management Agency (FEMA). Floodway maps and the FIS, if available for the community, must be used. Areas along nontidal streams that do not have FEMA delineations as described above are subject to regulation by this chapter and the state. (Prior code § 77-14)

15.16.150 Floodplain zones.

A community may have one or more of the following floodplain zones:

A. Nontidal floodplains consist of the floodway and the floodway fringe. Nontidal floodplains may have detailed engineering study data, profiles and water surface elevations or may have approximate delineations only.

B. Tidal floodplains consist of areas subject to coastal or tidal flooding by the one-hundred-year flood. These areas are flooded due to high tides, hurricanes, tropical storms and steady on-shore winds. (Prior code § 77-15)

15.16.160 Floodplain boundaries.

A. Floodplain Zone Determination. The local permitting official will determine the floodplain zone in which the development activity is proposed using the Floodway Maps and FIS, if available, or, if not, by using the FIRM. Without prior approval from FEMA, the community shall use no other data to enforce floodplain management regulations where FEMA delineations exist. Where FIRM map boundaries and surveyed elevations disagree, elevations prevail, with no approval from FEMA required.

B. Approximate Floodplain Determination. For development proposed in the approximate floodplain (no water surface elevations or floodway data provided), the applicant must use the best available information to determine the elevation of the one-hundred-year flood and the extent of the floodway and must delineate these on the site plan submitted for approval. For new subdivisions, the applicant must have the one-hundred-year floodplain boundary indicated on the FIRM. An elevation of the one-hundred-year flood is determined at that point by survey. (Prior code § 77-16)

Article IV General Development Regulations in Floodplain Zones

15.16.170 Applicability.

In order to prevent excessive flood damage and to allow for the protection of the natural and beneficial floodplain functions, the following provision shall apply to all development, new construction and substantial improvements to existing structures in all floodplain zones. If a structure is in more than one zone, the more stringent provisions shall apply to the entire structure. Any approved development shall comply with all other zoning, environmental, water quality and sanitary regulations, as well as applicable state and federal requirements. (Prior code § 77-17)

15.16.180 Watercourses.

In all floodplain zones, any development which proposes to alter a watercourse must obtain a variance. All conditions for encroachment in the floodway must be met and adverse impacts to aquatic resources must be minimized. Adjacent communities and property owners, FEMA and the Maryland Water Resources Administration must be notified by the applicant before any modification may occur to watercourses. Any activity falling within the one-hundred-year nontidal floodplain may require a waterway construction permit from the water resources administration. (Prior code § 77-18)

15.16.190 Wetlands.

Encroachment by development into wetlands is not allowed without state and federal permits. It is state and federal policy that disturbance of wetlands shall be avoided. The applicant must demonstrate that no alternatives

exist and the encroachment is the minimum necessary. Mitigation may be required by the appropriate regulatory authorities. (Prior code § 77-19)

15.16.200 Sediment and stormwater management.

Any land disturbance permitted in the floodplain must have a stormwater management and sediment and erosion control plan as required by state and local regulations. The plan must include design of land contours that will not increase surface water runoff onto neighboring properties. Ground cover must be established immediately after disturbance, and a plan for permanent plantings, including trees, should provide for adequate vegetative cover within the flood-protection setback from watercourses to prevent erosion. (Prior code § 77-20)

Article V Development Regulations in Nontidal and Tidal Floodplain Zones

15.16.210 General.

Development may not occur in the floodplain where alternative locations exist, due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the floodplain and that encroachments onto the floodplain are minimized. (Prior code § 77-21)

15.16.220 Elevation requirements for new and substantially improved structures.

A. Residential Structures. All new or substantially improved residential structures, including manufactured homes, shall have the lowest floor elevated to or above the flood-protection elevation. Basements are not permitted. In nontidal floodplains, horizontal expansions which increase the footprint and that are less than substantial shall also have the lowest floor elevated to or above the flood-protection elevation. The elevation of the lowest floor shall be certified by a registered surveyor or professional engineer on the elevation certificate, after the lowest floor is in place. Enclosures below the flood-protection elevation must be constructed with water-equalizing vents to meet the specifications of Section 15.16.320. Improvements in tidal floodplains which are less than substantial shall be constructed to minimize damage during flooding or shall be elevated to the greatest extent possible.

B. Nonresidential Structures.

1. All new or substantially improved nonresidential structures shall either be elevated as set forth above for residential structures or shall be floodproofed. Horizontal expansions in the nontidal floodplain which increase the footprint and that are less than substantial shall also have the lowest floor elevated to or above the flood-protection elevation. State regulations do not allow basements or the floodproofing option for new non-residential structures in nontidal floodplains.

2. Floodproofing designs must ensure that areas below the flood-protection elevation are watertight, with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If the floodproofing option is chosen, a floodproofing certificate must be completed by a registered professional engineer or architect, who shall review the design and specifications and certify that the nonresidential structure will meet this standard. (Prior code § 77-22)

15.16.230 Fill.

A. The placement of more than six hundred (600) cubic yards of fill per parcel/lot in the floodplain is prohibited, except by variance. Elevating the building by other methods must be considered unless six hundred (600) cubic yards or less of fill are required. An applicant shall demonstrate that fill is the only alternative to

raising the building to at least the flood-protection elevation and that the amount of fill used will not affect the flood storage capacity or increase flooding onto neighboring properties.

B. In the event that buildings on adjacent properties are known or determined to be subject to flooding under current conditions, the local permitting official may require submission of hydrologic and hydraulic analyses to adequately demonstrate the effects of the proposed fill. (Prior code § 77-23)

15.16.240 Subdivision requirements.

All proposals for the subdivision of land and/or new development shall include a plan drawing showing the location of all existing and proposed public and private utilities, facilities and drainage structures. The floodplain limits and elevation shall be delineated on the plan. All plans shall be certified by a registered professional engineer or professional land surveyor and shall be reviewed to assure that:

- A. All proposals are consistent with the need to minimize flood damage;
- B. All necessary permits have been received from the state of Maryland, Water Resources Administration, and appropriate federal agencies;
- C. All public and private utilities and facilities (including sewer, water, telephone, electric, gas, etc.) are located and constructed to minimize or eliminate flood damage;
- D. Adequate drainage is provided to reduce exposure to flood hazard;
- E. The elevation of the center line of proposed streets shall be at or above the one-hundred-year-floodplain elevation. (Prior code § 77-24)

Article VI Development Regulations in Floodways

15.16.250 General.

A. Floodways shall be preserved to carry the discharge of the one-hundred-year flood. Floodways present increased risks to human life and property because of their relatively faster and deeper flowing waters. Fill shall not be permitted. New structures shall not be permitted. New development shall not be permitted in the floodway where alternatives exist elsewhere or if any increase in water surface elevations will result from the one-hundred-year flood.

B. Any development in the floodway which may result in any increase in water surface elevations or change to the floodway must be submitted to FEMA for a conditional letter of map revision. Hydrologic and hydraulic analyses based on existing floodway models and performed in accordance with standard engineering practices and certified by a registered professional engineer must be submitted. Failure to receive this letter shall be grounds for denial of the permit.

C. An alternative analysis must be prepared for any development in the floodway before a permit may be issued. The provisions of Article V of this chapter, as well as this Article VI, apply to floodways. (Prior code § 77-25)

15.16.260 Alternative analysis requirement.

Before a permit may be issued, an applicant shall submit an alternative analysis which demonstrates that:

- A. No reasonable alternatives exist outside the floodway;
- B. Encroachment in the floodway is the minimum necessary;
- C. The development will withstand the one-hundred-year flood without significant damage; and
- D. The development will not increase downstream or upstream flooding or erosion. (Prior code § 77-26)

15.16.270 Existing structures.

Existing structures in the floodway shall be substantially improved only by variance and if they can be brought into conformance with this chapter without increasing the footprint. Minor additions (less than substantial) must be elevated to the flood-protection elevation on pilings or columns. In the event of substantial damage or replacement, the applicant shall submit an alternative analysis to determine if the structure can not be relocated, they shall be limited to the footprint of the previous structure and must comply with the elevation requirements of Section 15.16.220. (Prior code § 77-27)

15.16.280 Maintenance of natural channel.

The natural watercourse shall be maintained for protection of aquatic resources. A variance is required for the alteration of watercourses. Any variance issued must assure that the conditions for encroachment in the floodway are met, adverse impacts to aquatic resources minimized and the public good outweighs the adverse impacts. The provisions of Section 15.16.180, pertaining to altering a watercourse, must be met. (Prior code § 77-28)

15.16.290 Obstructions.

Structures or fill which may impede, retard or change the direction of the flow of floodwaters, or any materials that may be carried downstream to cause damage, shall not be placed in the floodway. Fences, except two-wire fences, shall not be placed in the floodway. (Prior code § 77-29)

Article VII Specific Requirements

15.16.300 Applicability.

In addition to the other requirements set forth herein, the following specific requirements must be applied. (Prior code § 77-30)

15.16.310 Placement of buildings and materials.

All structures permitted in the floodplain shall be oriented so as to offer the least resistance to the flow of floodwaters. Materials which are buoyant, flammable, explosive or hazardous to health or which, at times of flooding, may be injurious to human, animal or plant life shall not be stored below the flood-protection elevation. (Prior code § 77-31)

15.16.320 Enclosures below lowest floor.

A. Buildings which have been elevated and have fully enclosed areas below the flood-protection elevation, as well as garages and accessory structures which are not elevated, shall be constructed with water-equalizing vents which meet or exceed the following standards:

1. A minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
2. The bottom of all openings shall be no higher than one foot above grade;
3. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters to equalize hydrostatic forces on the walls.

B. Fully enclosed areas below the flood-protection elevation shall be used solely for the parking of vehicles, access to the building or storage. If such areas are enclosed, a nonconversion agreement must be signed by the applicant. (Prior code § 77-32)

15.16.330 Manufactured homes and manufactured home parks.

A. New manufactured homes and manufactured home parks are prohibited in the coastal high-hazard area and in the floodway. In other floodplain zones, all new, replacement or substantially improved manufactured homes, whether in a manufactured home park or not, shall comply with Section 15.16.220.

B. Methods of anchoring shall include the use of over-the-top and frame ties to ground anchors. Pilings or columns shall be used to maintain storage capacity of the floodplain. Concrete block support pilings must be reinforced by placing reinforcing bars inside and extending them into the footing, filling the hollows with cement and using mortar to cement the blocks together. FEMA Publication 85, Manufactured Home Installation in Flood Hazard Areas, should be consulted for specific recommendations.

C. Manufactured homes repaired or replaced because of substantial damage due to flooding or other causes are considered to be new structures and must fully comply with Section 15.16.220.

D. Owners of manufactured home parks or subdivisions that are partially or fully within the floodplain must file an evacuation plan with the local emergency management agency. In nontidal floodplains, a flood-free access road shall be provided in all new manufactured home parks and subdivisions. (Prior code § 77-33)

15.16.340 Utilities.

A. Electric. All electric utilities to the building side of the meter, both interior and exterior to the building, are regulated by this chapter. Distribution panel boxes must be at least two feet above the flood-protection elevation. All outlets and electrical installations, such as heat pumps, air conditioners, water heaters, furnaces, generators and distribution systems, must be installed at or above the flood-protection elevation.

B. Plumbing. Toilets, sinks, showers, water heaters, pressure tanks, furnaces and other permanent plumbing installations must be installed at or above the flood-protection elevation.

C. Gas. Gas meters and gas appliances must be installed at or above the flood-protection elevation.

D. Water Supply and Sanitary Facilities. Water supply distribution and sanitary disposal collection systems must be designed to minimize or eliminate the infiltration of floodwaters into the systems or discharges from the systems into floodwaters and shall be located and constructed so as to minimize or eliminate flood damage. On-site sewage disposal systems shall meet these same standards. (Prior code § 77-34)

15.16.350 Accessory structures and garages.

A. Where feasible, accessory structures and garages should be located out of the floodplain or elevated to or above the flood-protection elevation. When these measures are not feasible, the following apply:

1. The floor of the structure must be at or above grade;
2. The structure must be located, oriented and constructed so as to minimize flood damage; and
3. The structure must be firmly anchored to prevent flotation.

B. Attached Garages. A garage attached to the main structure shall be elevated to the greatest extent possible but may be permitted as an exemption to the strict elevation requirement if it is used solely for parking of vehicles, storage or building access and is no more than six hundred (600) square feet in area. Attached garages must meet the venting requirements of Section 15.16.320, have all interior walls, ceilings and floors below the flood-protection elevation unfurnished and have no machinery or electric devices or appliances located below the flood-protection elevation. A nonconversion agreement must be signed by the property owner, stating that the garage may never be used for human habitation without first becoming fully compliant with this chapter.

C. Detached Garages and Accessory Structures.

1. An accessory structure or detached garage may be permitted as an exemption to the elevation requirement, if it is less than three hundred (300) square feet, used solely for the parking of vehicles and limited

storage, meets the venting requirements of Section 15.16.320, has no machinery, electric devices or appliances located below the flood-protection elevation. A nonconversion agreement must be signed by the property owner.

2. An accessory structure or detached garage between three hundred (300) square feet and six hundred (600) square feet may be permitted below the flood-protection elevation only by a conditioned permit.

3. An accessory structure or garage larger than six hundred (600) square feet in area must be elevated properly or be able to meet all applicable requirements under the variance procedure set forth in Article VIII. (Prior code § 77-35)

15.16.360 Recreational vehicles.

Recreational vehicles located within the floodplain may be exempted from the elevation and anchoring requirements, provided that they are:

A. Located on the site less than one hundred eighty (180) consecutive days per year;

B. Fully licensed and ready for highway use if they are on their wheels and jacking systems, are attached to the site only by quick-disconnect-type utilities and securing devices and have no permanently attached additions. If it can not meet all of these criteria, the recreational vehicle must be considered a manufactured home and is subject to the elevation and construction standards of this chapter. (Prior code § 77-36)

15.16.370 Fill.

A. Fill may not be placed in tidal or nontidal wetlands without the required state and federal permits.

B. Fill must consist of soil and rock materials only. Dredged material may be used as fill only upon certification of suitability by a registered professional geotechnical engineer. Landfills, rubble fills, dumps and sanitary fills are not permitted in the floodplain.

C. Fill used to support structures must be compacted to ninety-five (95) percent of the maximum density obtainable by the Standard Proctor Test (ASTM Standard D-698), and its suitability to support structures certified by a registered professional engineer. Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion. (Prior code § 77-37)

Article VIII Variances

15.16.380 Reasons for granting.

Application for variances may be considered by the city council for:

A. New construction of or substantial improvements to nonresidential structures or portions thereof which will be floodproofed in a watertight fashion;

B. New construction of or substantial improvements to detached and attached garages which are used solely for storage or parking of vehicles and designed to automatically equalize hydrostatic pressures on walls by allowing for the entry and exit of floodwaters;

C. Functionally dependent uses which cannot perform their intended purposes unless they are located or carried out in close proximity to water. A functionally dependent use includes only docking facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, and does not include long-term storage or related manufacturing facilities;

D. Reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or State Inventory of Historic Places. (Prior code § 77-38)

15.16.390 Variances not granted in floodway.

Variances shall not be granted for any development within the floodway. (Prior code § 77-39)

15.16.400 Conditions for granting variances.

The granting of variances shall be subject to all of the following conditions:

A. A demonstration of good and sufficient cause;

B. For new construction or substantial improvements falling in the category in Section 15.16.380(C), a determination that failure to grant the variance would result in exceptional hardship to the applicant. Economic hardship shall not be considered exceptional;

C. A determination that the granting of variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense or create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances;

D. Comments from the state Coordinating Office of the Water Resources Administration.

(Prior code § 77-40)

15.16.410 Issuance—Application—Records—Notice.

A. A variance may be granted for new construction and substantial improvements to be erected on a lot contiguous to and surrounded by lots with existing structures constructed below the level of the one-hundred-year flood.

B. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief and that local public funds may not be available to mitigate the results of such variance.

C. The application for a variance shall be submitted to the building official.

D. The applicant shall be notified in writing by the building official of the increased premium rates for flood insurance and that construction below the level of the one hundred (100) year flood increases risks to life and property. Such notification shall be maintained as part of the record of all variance actions as required in subsection (F) of this section.

E. The applicant/owner of storage structures, garage structures and/or accessory structures for which a variance is granted shall sign an agreement that such structures shall never be converted to habitable space.

F. A record of all variance actions, including justifications for their issuance, shall be maintained by the building official, shall be included in the biannual report submitted to the Federal Insurance Administrator and shall be available upon request by the Federal Emergency Management Agency or its authorized agent during periodic assessments of the city of Salisbury's participation in the National Flood Insurance Program.

G. Variance may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or State Inventory of Historic Places without regard to the procedures set forth herein, provided that such activity does not cause an increase in the elevation of the one hundred (100) year flood as established and adopted by this chapter.

H. Notice of the flood hazard and the variance action shall be placed on the deed of other documents which convey title to all newly created or recorded properties. (Prior code § 77-41)

15.16.410

Article IX Miscellaneous

15.16.420 Subsequent amendments.

This chapter shall be amended as required by the Federal Emergency Management Agency, 44 Code of Federal Regulations. All subsequent amendments to this chapter are subject to approval of the Federal Emergency Management Agency and the Maryland Department of Natural Resources. (Prior code § 77-42)

Chapter 15.20

GRADING AND EXCAVATIONS

Sections:

- 15.20.010 Grading permit required—Exceptions.**
- 15.20.020 Imposition of conditions for approval or denial of permit.**
- 15.20.030 Application for permit—Contents.**
- 15.20.040 Approval of erosion and sediment control plans prior to issuance of permit—Applicability of state regulations.**
- 15.20.050 Permit fee.**
- 15.20.060 Posting of surety bond.**
- 15.20.070 Duration of permit—Extension.**
- 15.20.080 Notice to comply with provisions—Suspension of permit.**
- 15.20.090 Cancellation of permit—Disposition of posted bonds.**
- 15.20.100 Duties of department of building, permitting and inspections—Inspections.**
- 15.20.110 Violations—Penalties—Injunction—Filing of notice of violations.**

15.20.010 Grading permit required—Exceptions.

A. A city grading permit must be obtained prior to the start of any grading, clearing, filling or other earth change; such grading permit shall, however, not be required for the following:

1. Any right-of-way which is part of a subdivision for which there is a valid public works agreement in effect and, as a part of which, sediment control measures have been provided for and installed and maintenance has been assured until the city assumes title and responsibility;

2. An excavation below finished grade for basements and footings of a building, for retaining walls or similar structures attendant to the principal building authorized by a valid building permit. The resulting fill shall:

a. Not exceed a vertical height of four feet at its deepest point as measured from the natural ground surface,

b. Not be placed on a surface having a slope steeper than five feet horizontal to one foot vertical,

c. Not impair existing surface drainage, constitute a potential erosion hazard or act as a source of sedimentation to any adjacent land or watercourse,

d. Have no final slopes steeper than one foot vertical in three feet horizontal,

e. Have all disturbed areas promptly seeded or sodded as soon as the season permits;

3. An excavation or a fill which:

a. Is less than four feet in vertical height at its deepest point as measured from the natural ground surface,

b. Is placed on a surface having a slope not steeper than five feet horizontal to one foot vertical,

c. Does not exceed a total of one hundred (100) cubic yards of material on any lot, parcel or subdivision thereof,

d. Does not impair existing surface drainage, constitute a potential erosion hazard or act as a source of sedimentation to any adjacent land or watercourse,

e. Has no final slopes steeper than one foot vertical in three feet horizontal,

f. Has all disturbed areas promptly seeded or sodded as soon as the season permits;

4. Accepted agricultural land management practices, the construction of agricultural structures or the construction of single-family residences or their accessory buildings on lots of two acres or more;

5. The stockpiling, with slopes at a natural angle of repose, of raw or processed sand, stone and gravel at quarries, concrete, asphalt and material processing plants and storage yards, provided that approved sediment and erosion control measures have been employed to protect against off-site damages;

6. Refuse disposal areas or sanitary landfills operated and conducted in accordance with the requirements, rules and ordinances adopted by the county and the state. Exemption from permit, however, does not exempt these projects from other aspects of this chapter, including inspection as covered in this chapter;

7. Grading and trenching for utility installations within highway rights-of-way and utility easements; provided, however, that all grading or trenching involved does not disturb the natural terrain and that if, during the course of utility operations, any erosion and sediment control measures previously in place are disturbed or destroyed, the utility company shall restore or repair such measures to their original condition;

8. Individual private septic systems which do not disturb the natural terrain;

9. Grading as a maintenance measure or for landscaping purposes on existing developed lots or parcels, provided that:

a. The aggregate of area affected or bared at any one time does not exceed three hundred (300) square feet,

b. The grade change does not exceed three feet at any point and does not alter the drainage pattern,

c. All bare earth is promptly seeded, sodded or otherwise effectively protected from erosive actions,

d. The grading does not involve a quantity of material in excess of one hundred (100) cubic yards;

10. Authorized city public works improvement and maintenance activities. Exemption from permit, however, does not exempt these projects from other aspects of this chapter, including inspection as covered in this chapter.

B. All provisions of this chapter must be satisfied prior to issuance of a building permit.

(Prior code § 83-1)

15.20.020 Imposition of conditions for approval or denial of permit.

The city reserves the right to impose such conditions on the grading permit as may be reasonable to prevent creation of a nuisance or dangerous conditions and to deny the issuance of a grading permit where the proposed work would cause hazards adverse to the public safety and welfare. (Prior code § 83-2)

15.20.030 Application for permit—Contents.

Application forms for grading permits will be available at the department of building, permitting and inspections and such other places as the department of building, 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. (Ord. 1974 (part), 2005: prior code § 83-3)

**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, 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. (Ord. 1974 (part), 2005: prior code § 83-4)

15.20.050 Permit fee.

A minimum fee of one hundred dollars (\$100.00) will be fixed for the granting of grading permits by the city council, who shall have the right to adjust the same by resolution.

The funds appropriated may be expended or designated for the purpose of altering or improving the downtown plaza, in an amount to be determined by the public works director. (Ord. 1828 § 3, 2001; Ord. 1808, 2001; prior code § 83-5)

15.20.060 Posting of surety bond.

When recommended by the department of building, 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. (Ord. 1974 (part), 2005: prior code § 83-6)

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, permitting and inspections may grant a six-month extension of validity. (Ord. 1974 (part), 2005: prior code § 83-7)

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, 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. (Ord. 1974 (part), 2005: prior code § 83-8)

15.20.090 Cancellation of permit—Disposition of posted bonds.

After suspension of a grading permit, if corrections required are not completed within the time period specified as provided in Section 15.20.050, the permit shall be canceled. In the event of cancellation, any bonds or cash deposits posted with the city shall be used for work on the site to prevent erosion. (Prior code § 83-9)

15.20.100 Duties of department of building, permitting and inspections—Inspections.

A. The department of building, 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, 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, permitting and inspections to make inspections at the following stages 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, permitting and inspections may make any additional inspections deemed necessary and may waive any of the inspections listed above, except the final on-site inspection. Inspections requested shall be completed within ten working days. (Ord. 1974 (part), 2005: prior code § 83-10)

15.20.110 Violations—Penalties—Injunction—Filing of notice of violations.

Any violation of this chapter shall be deemed a misdemeanor, and the person, partnership or corporation who is found guilty of such violation shall be subject to a fine not exceeding five thousand dollars (\$5,000.00) or to one year’s imprisonment for each and every violation. Any agency whose approval is required under this chapter or any interested person may seek an injunction against any person, partnership or corporation, whether public or private, violating or threatening violation of any provisions of this chapter. Notice of a violation of the provisions of this chapter shall be filed with the Maryland Department of Natural Resources, as well as with the appropriate county agency. (Prior code § 83-11)

Chapter 15.24

HOUSING STANDARDS

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- 15.24.1510** Authorization.
- 15.24.1520** Owner responsibility.
- 15.24.1530** Duty to repair.
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- 15.24.1550** Repair by the city.
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- 15.24.1640** Violation of occupancy provisions.
- 15.24.1650** Appeals.

Article I General

15.24.010 Title.

These regulations shall be known as the property maintenance code of the city of Salisbury, Maryland, hereinafter referred to as “this code.” (Ord. 1665 Exh. A (part), 1997)

15.24.020 Legislative findings and scope.

This code is to protect the public health, safety and welfare in all existing structures, residential and non-residential, and on all existing premises by establishing minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners, operators, agents and occupants; regulating the occupancy of existing structures and premises, and providing for administration, enforcement and penalties. The existence of such nuisance conditions creates

slums and blighted areas requiring corrective action. Additionally, the conditions may contribute to the spread of disease, crime, fire and loss of life. In the absence of corrective measures, such areas may experience a deterioration of social values, an impairment of economic values, a depreciation of assessable base and a curtailment of investment and tax revenues. (Ord. 1665 Exh. A (part), 1997)

15.24.030 Intent.

A. This code shall be construed to secure its expressed intent, which is to establish and maintain basic minimum standards and conditions essential for the protection of health, safety and general welfare of the public, and to promote the prevention of blight and decay.

B. A structure constructed and equipped as required by codes in existence at the time of construction shall be allowed to continue in use so long as it is structurally sound and maintained in compliance with this code and adequately and safely serves the purpose for which it was intended. Regardless of compliance with codes in existence at the time of construction, all structures covered by this code shall comply with the following sections:

15.24.590	15.24.1080 A, C, D, E & F
15.24.690	15.24.1090 C
15.24.780	15.24.1120
15.24.930	15.24.1150 A, D & E
15.24.940	15.24.1180
15.24.980	15.24.1240
Art. XX	

(Ord. 1665 Exh. A (part), 1997)

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. International Building Code, 2000 Edition;
2. International Mechanical Code, 2000 Edition;
3. State of Maryland Fire Prevention Code, 2000 Edition;
4. International Residential Code, 2000 Edition;
5. International Residential Code, 2000 Edition.

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. 1974 (part), 2005; Ord. 1795 (part), 2001; Ord. 1665 Exh. A (part), 1997)

15.24.050 Applicability of provisions.

A. No building, structure or premises, or any part thereof, shall be used or designed, intended or maintained for human habitation unless it shall conform with the provisions of this code.

B. This code establishes minimum standards for occupancy and does not replace or modify standards otherwise established for construction, replacement or repair of buildings.

C. Any alteration, repair or rehabilitation work shall conform to the requirements of the BOCA National Building Code or CABO 1 & 2 Family Dwelling Code for new construction.

D. Any violation of this code shall be considered to be a nuisance condition affecting the health, safety and welfare of the public. (Ord. 1665 Exh. A (part), 1997)

15.24.060 Workmanship.

All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner. (Ord. 1665 Exh. A (part), 1997)

Article II Maintenance

15.24.070 Required.

All equipment, systems, devices and safeguards required by this code or a previous statute or code for the structure or premise when erected or altered shall be maintained in a good working order. The requirements of this code are not intended to provide the basis for removal or abrogations of fire protection and safety systems and devices in existing structures. (Ord. 1665 Exh. A (part), 1997)

Article III Housing Official

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

A. The 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 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 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 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 housing official is authorized to designate an employee as deputy who shall exercise all the powers of the housing official during the temporary absence or disability of the housing official. (Ord. 1974 (part), 2005: Ord. 1665 Exh. A (part), 1997)

15.24.090 Right of entry.

A. The 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 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 housing official to make an inspection to enforce any of the provisions of this code, or whenever the 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 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 housing official shall have every recourse to every remedy provided by law to secure entry. (Ord. 1974 (part), 2005: Ord. 1665 Exh. A (part), 1997)

15.24.100 Warrants.

A. When the 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 housing official for the purpose of inspection and examination pursuant to this code.

B. Once a search warrant has been issued authorizing an inspection, if violations are found and notices are issued, no new search warrant is required to authorize the entry from time to time for reinspection to determine whether or not the violation/s have been abated. (Ord. 1974 (part), 2005; Ord. 1665 Exh. A (part), 1997)

15.24.110 Periodic area search.

From time to time the department of 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. 1974 (part), 2005: Ord. 1665 Exh. A (part), 1997)

15.24.120 Evidence.

A. The purpose of this article is to assure that entry is solely for the purpose of enforcing the housing code.

B. An inspector who gains entry for the purpose of enforcing this code or any reference codes as described in Section 15.24.040 may not furnish evidence of or testify to any offense other than violations of those reference codes, except in the case of a felony or misdemeanor involving an act of violence committed in the presence of the inspector. (Ord. 1665 Exh. A (part), 1997)

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 housing official in accordance with and in the manner provided by this code and the reference codes as described in Section 15.24.040 of this chapter. (Ord. 1974 (part), 2005: Ord. 1665 Exh. A (part), 1997)

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 housing official hereunder. Any person violating the provisions of this section shall be guilty of a municipal infraction. (Ord. 1974 (part), 2005: Ord. 1665 Exh. A (part), 1997)

Article IV Violations

15.24.150 Unlawful acts.

It shall be unlawful for any person, firm, agent or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another or permit another person to occupy any structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code. Any person violating the provisions of this code shall be guilty of a municipal infraction. (Ord. 1665 Exh. A (part), 1997)

15.24.160 Penalty.

A. Any person who shall violate a provision of this code and fail to comply with any written order for interior maintenance or repair shall be issued a one hundred dollar (\$100.00) citation for the initial violation(s) two hundred dollar (\$200.00) citation for each separate day thereafter that the violation(s) continue(s). Each day that a violation continues after due notice has been delivered shall be deemed a separate offense.

B. Any person who shall violate a provision of this code and fail to comply with any written order for exterior maintenance or repair shall be issued a one hundred dollar (\$100.00) citation for the initial violation(s) and a two hundred dollar (\$200.00) citation for each separate day thereafter that the violation(s) continue(s). Each day that a violation continues after due notice has been delivered shall be deemed a separate offense.

C. Exception. See Section 15.24.350.
(Ord. 1943, 2005: Ord. 1665 Exh. A (part), 1997)

15.24.170 Prosecution.

In case of any unlawful acts, the housing official shall institute an appropriate action or proceeding at law to exact the penalties provided in this code. Also, the 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:

- A. To restrain, correct or remove the violation or refrain from any further execution of work;
 - B. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
 - C. To require the removal of work in violation; or
 - D. To prevent the occupancy of the structure that is not in compliance with the provisions of this code.
- (Ord. 1974 (part), 2005: Ord. 1665 Exh. A (part), 1997)

Article V Notices and Orders

15.24.180 Notice to owner or to person or persons responsible.

Whenever the 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 of this chapter. Notices for demolition procedures shall comply with Section 15.24.340 of this chapter. (Ord. 1974 (part), 2005: Ord. 1665 Exh. A (part), 1997)

15.24.190 Form.

Such notice prescribed in Section 15.24.180 shall:

- A. Be in writing;
- B. Include a description of the real estate sufficient for identification;
- C. Include a statement of the reason or reasons why the notice is being issued; and
- D. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code. (Ord. 1665 Exh. A (part), 1997)

15.24.200 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

- A. Hand delivered to the person to be notified;
- B. Left at the usual residence or place of business of the person to be notified with the person or his agent;
- C. Deposited in the United States Post Office, postage prepaid, addressed to the owner at his last known address as recorded in the real estate assessment records of the city of Salisbury and by posting a copy of the notice or order in a conspicuous place on the property; or, as a last resort;
- D. Posted in a conspicuous place on the property in the presence of a witness and photographed by authorized personnel. (Ord. 1665 Exh. A (part), 1997)

15.24.210 Reinspections.

Following the expiration of the period of time provided in the violation notice of the housing official may reinspect, within the constraints of Section 15.24.090 of this chapter, the premises described in the notice. (Ord. 1974 (part), 2005: Ord. 1665 Exh. A (part), 1997)

15.24.220 Citations.

If, upon reinspection, the 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 housing official, a civil penalty of one hundred dollars (\$100.00) may be imposed for each day of violation. (Ord. 1974 (part), 2005: Ord. 1665 Exh. A (part), 1997)

Article VI Emergencies

15.24.230 Imminent danger.

A. When, in the opinion of the 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 housing official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The 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 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 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. 1974 (part), 2005: Ord. 1665 Exh. A (part), 1997)

15.24.240 Temporary safeguards.

Notwithstanding other provisions of this code, whenever, in the opinion of the housing official, there is imminent danger due to an unsafe condition, the 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 such other action to be taken as the housing official deems necessary to meet such emergency. (Ord. 1974 (part), 2005: Ord. 1665 Exh. A (part), 1997)

15.24.250 Emergency repairs.

For the purpose of this section, the housing official shall employ the necessary labor and materials to perform the required work as expeditiously as possible. (Ord. 1974 (part), 2005: Ord. 1665 Exh. A (part), 1997)

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 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. 1974 (part), 2005: Ord. 1665 Exh. A (part), 1997)

Article VII Vacated Dwellings and Land

15.24.270 General.

A. All vacant structures, premises and vacant land shall be maintained in a clean, safe, secure and sanitary condition, to prevent blighted conditions or an adverse impact on public health, or safety.

B. No structure caused to be vacant by virtue of noncompliance with the provisions of this code shall be used again for human habitation without first obtaining a certificate of occupancy from the housing official. No noncomplying structure may be left vacant longer than six months. The city may at that time exercise condemna-

tion and/or demolition. The cost or expense shall be assessed as a lien on the property and shall be entered on the tax records kept by the director of internal services and shall be collectible as are taxes.

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 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 of this chapter, 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 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. 1992 (part), 2006: Ord. 1974 (part), 2005; Ord. 1959 (part), 2005: Ord. 1795 (part), 2001; Ord. 1665 Exh. A (part), 1997)

Article VIII Unsafe Structures and Equipment

15.24.280 General.

When a structure or equipment is found by the 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.

A. **Unsafe Structure.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is likely.

B. **Unsafe Equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public occupants of the premises or structure.

C. **Structures Unfit for Human Occupancy.** A structure is unfit for human occupancy whenever the building official finds that such structure is unsafe, unlawful or, is in disrepair or lacks required maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code.

D. **Unlawful Structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

E. An unlawful structure which is ordered to be "vacated or condemned" shall, in the appropriate zones, be permanently reduced to an occupancy of two unrelated persons, not including the children of either of them. (Ord. 1974 (part), 2005; Ord. 1959 (part), 2005: Ord. 1665 Exh. A (part), 1997)

15.24.290 Closing of vacant structures.

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the building official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the building official shall cause the premises to be closed through any

available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. (Ord. 1665 Exh. A (part), 1997)

15.24.300 Notice.

Whenever the 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 of this chapter. The notice shall be in the form prescribed in Section 15.24.190 of this chapter. (Ord. 1974 (part), 2005: Ord. 1665 Exh. A (part), 1997)

15.24.310 Placarding.

Upon failure of the owner, agent or person responsible to comply with the notice provisions within the time given, the 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. 1974 (part), 2005: Ord. 1665 Exh. A (part), 1997)

15.24.320 Prohibited occupancy.

The premises so ordered to be either “Vacated” or “Condemned” shall not again be occupied until a certificate of occupancy has been issued by the building official stating that the dwelling is in compliance with this chapter or any other existing law or ordinance. (Ord. 1665 Exh. A (part), 1997)

Article IX Demolition

15.24.330 General.

The 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 and 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. 1974 (part), 2005: Ord. 1665 Exh. A (part), 1997)

15.24.340 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

- A. Delivered to the owner personally; or
- B. Sent by certified or registered mail addressed to the owner at the last known address with return receipt requested. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner’s agent or upon the person responsible for the structure shall constitute service of notice upon the owner. (Ord. 1665 Exh. A (part), 1997)

15.24.350 Failure to comply.

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

A. The 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

B. Any person who fails to comply with a demolition order will be issued a two hundred dollar (\$200.00) citation each day that the violation continues. (Ord. 1974 (part), 2005; Ord. 1665 Exh. A (part), 1997)

Article X Means of Appeal

15.24.360 Establishment of board.

There is established in the city a board to be called the housing board of adjustments and appeals, which shall consist of five members. Such board shall be composed of one realtor or landlord, one physician, registered sanitarian or health official, one architect, structural engineer or general contractor, and two members at large from the residents of the city who are homeowners. The board shall be appointed by the mayor and council. (Ord. 1665 Exh. A (part), 1997)

15.24.370 Terms of office.

Of the members first appointed, two shall be appointed for terms of two years, two for terms of three years and one for a term of four years, and thereafter they shall be appointed for terms of four years. Any continued absence of any regular member from regular meetings of the board shall, at the discretion of the mayor and council, render any such member subject to immediate removal from office. (Ord. 1665 Exh. A (part), 1997)

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 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 or financial interest. (Ord. 1974 (part), 2005; Ord. 1665 Exh. A (part), 1997)

15.24.390 Application for appeal.

Any person affected by a decision of the 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. 1974 (part), 2005; Ord. 1665 Exh. A (part), 1997)

15.24.400 Effect of failure to appeal.

Failure of any person to file an appeal shall constitute a waiver of his/her right to an administrative hearing and adjudication of the notice and order, or any portion thereof. (Ord. 1665 Exh. A (part), 1997)

15.24.410 Scope of hearing on appeal.

Only those matters or issues specifically raised by the appellant in his notice of appeal shall be considered in the hearing of the appeal. (Ord. 1665 Exh. A (part), 1997)

15.24.420 Staying of order under appeal.

Except for orders to vacate made pursuant to Section 15.24.230 of this chapter enforcement of any notice and order of the housing official issued under this code shall be stayed during the time of appeal and hearing. (Ord. 1974 (part), 2005: Ord. 1665 Exh. A (part), 1997)

15.24.430 Conduct of hearing.

A. Hearings will be conducted according to the board's administrative rules relating to evidence and witnesses.

B. Oral evidence shall be taken only on oath or affirmation.

C. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

D. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

E. Each party shall have these rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;

2. To introduce documentary and physical evidence;

3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

4. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

F. The board shall inspect any building or premises involved in the appeal. Notice of such inspection shall be given to the parties before the inspection is made that the parties are permitted to be present during the inspection. Each party then shall have a right to rebut or explain the matters so stated to the board. (Ord. 1665 Exh. A (part), 1997)

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 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 housing official shall specify in what manner such variation or modification is made. (Ord. 1974 (part), 2005: Ord. 1665 Exh. A (part), 1997)

15.24.450 Decisions.

A. Every decision of the board shall be final except as allowed in subsection C of this section.

B. The board shall, in every case, reach a written decision without unreasonable or unnecessary delay.

C. The appellant shall comply with the board's decision unless appealed to the circuit court within thirty (30) days after the date of decision. (Ord. 1665 Exh. A (part), 1997)

Article XI Definitions

15.24.460 General.

Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter. (Ord. 1665 Exh. A (part), 1997)

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, International Residential Code or NFPA 101 Life Safety Code such terms shall have the meanings ascribed to them as in those codes. (Ord. 1974 (part), 2005: Ord. 1665 Exh. A (part), 1997)

15.24.480 Terms not defined.

Where terms are not defined, through methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. (Ord. 1665 Exh. A (part), 1997)

15.24.490 General definitions.

Accessory Structure. A structure incidental to the main building use which includes but is not limited to, sheds, garages and fences.

Agent. Any person, firm or corporation that is responsible for the management, maintenance, operation, rental of or sale of any property.

Apartment Building. See Dwellings.

Applicable Governing Body. The mayor and council of the city of Salisbury, MD.

Attic. Any space situated wholly or partly between the roof and the top habitable story of a building, so designated, arranged or built as to be used for storage.

Basement. See Section 15.24.530.

Building. Any structure occupied or intended for supporting or sheltering any occupancy.

Building Code. The building code officially adopted by the legislative body of this jurisdiction, or other such codes officially designated by the legislative body of the jurisdiction for the regulation of construction, alteration, repair, removal, demolition, location, occupancy and maintenance of buildings and structures.

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

Certificate of Occupancy. A document issued by the building official stating the nature of occupancy permitted.

Condemn. To adjudge unsafe and unfit for human occupancy.

Cross Connection. Any connection, either direct or indirect, that will permit or may possibly permit the flow of water of unknown or questionable safety, sewage, other liquids, gases or mixture into a piping system or receptacles containing or intended to contain potable water.

Dwellings:

Apartment Buildings. A single residential structure designed and constructed to contain three or more separated dwelling units, regardless of the internal arrangement of such units of the ownership thereof.

Boarding House. Any building or structure with independently rented rooms used for sleeping accommodations. No agreement is required between operator and occupant to assist in the bathing, dressing or provision of other types of supervision. Rooms will not be used for cooking purposes.

Dormitory. A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group.

Dwelling Unit. A single unit providing complete, independent living facilities for occupancy by one family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Multiple-Family Dwelling. A building or portion thereof containing more than two dwelling units.

Single-Family Dwelling. A building containing one dwelling unit with not more than four unrelated individuals or one family.

Exit. That portion of the means of egress which is separated from all other spaces of a building or structure by construction and opening protectives, and provides a protected way of travel to the exit discharge. It shall include, but not be limited to exterior exit doors, separated exit stairs, exit passageways and horizontal exits.

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

1. A core consisting of one person living alone or one of the following groups living as a single house-keeping unit:

a. Two or more persons who are related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, such as foster children, placed by an agency licensed to operate in Maryland;

b. Up to a maximum of four persons who are not so related, hereinafter referred to as “unrelated persons” provided, however, that:

i. (A) Any existing lawful occupancy, in any dwelling or dwelling unit, including an apartment, in an R-5, R-8 or R-10 district, or in Spring Chase PRD No. 1, the maximum shall be two unrelated persons, not including the children of either of them, after December 16, 2002, subject to the occupancy permitted by subsections (1)(b)(i)(B) and (C) of this section.

(B) Any existing lawful occupancy, in any dwelling or dwelling unit, including an apartment in an R-5, R-8 or R-10 district, or Spring Chase PRD No. 1, the maximum shall be three unrelated persons, not including the children of either of them, if the dwelling or dwelling unit was occupied by three unrelated persons, during a period of one year, prior to December 16, 2002. The occupancy may continue as a nonconforming use. In an apartment, the maximum occupancy shall not exceed the number of unrelated persons set forth in subsection (1)(b)(ii) of this section.

(C) Any existing lawful occupancy, in any dwelling or dwelling unit, including an apartment in an R-5, R-8 or R-10 district, or Spring Chase PRD No. 1, the maximum shall be four unrelated persons, not including the children of either of them, if the dwelling or dwelling unit was occupied by four unrelated persons, during a period of one year, prior to December 16, 2002, and meets the requirements of Section 15.24.1600. The occupancy may continue as a nonconforming use. In an apartment, the maximum occupancy shall not exceed the number of unrelated persons set forth in subsection (1)(b)(ii) of this section.

D. The following lots are exempt from the occupancy restriction set forth in subsection (1)(b)(i)(A) of this section: all dwelling units shown on an approved final comprehensive development plan; and where the total land area shown thereon is subject to a special exception granted by the board of zoning appeals prior to December 23, 2002; and for which the director of building, housing and zoning has determined that the units were proposed and constructed primarily for student housing.

ii. In any district other than an R-5, R-8 or R-10 district, in an apartment or any attached dwelling unit, except a townhouse or duplex dwelling, the maximum shall be the following number of unrelated persons not including the children of any of them:

Two—in an efficiency or one bedroom unit;

Three—in a unit having two or more bedrooms; or

Four—in any unit constructed after November 25, 2002 (effective date of Ordinance No. 1864) having two or more bedrooms, if the entire parcel or tract of land on which it is located complies with the off-street parking requirement in effect when it was completed.

All dwelling units shall comply with parking code requirements.

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

2. In addition to its core member(s) a family may include:

a. One or more persons who provide health care or assisted living services to any core member of the family that are essential to the health, safety or general well-being of such core member, by performing such services at least eight hours each day.

b. One or more domestic servants who perform personal or household services at the dwelling or dwelling unit at least eight hours each day.

c. In the case of an owner-occupied dwelling unit in an R-5, R-8 or R-10 district, one person who is not a core member of a related family, not including any permitted provider of health care or assisted living services, may reside in the dwelling.

3. A “family” may not include or consist in whole or in part of:

a. Any society, club, fraternity, sorority, association, lodge, federation, or like organization.

b. Occupants of a rooming house or boarding house.

c. Persons whose association as a group is temporary or seasonal in nature.

d. Persons living in a group arrangement as a result of criminal conduct.

4. The “family” definition shall be applied to occupancy in accordance with the requirements of state and federal law.

Garbage. Animal and vegetable wastes resulting from handling, preparation, cooking and consumption of food.

Habitable Space. See Section 15.24.290.

Heat Source. A heating apparatus limited to the following:

1. Stationary heat unit(s) from which heated air is distributed through a system of ducts, pipes or plenums;

2. Stationary heat unit(s) which is equipped with a fan or blower to circulate heated air;

3. Stationary heat unit(s) through which air is circulated by gravity;

4. Stationary heat unit(s) which conduct heat through registers or electric heating coils; and

5. Stationary heat unit(s) which provide heat by means of convection.

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.

Infestation. See Section 15.24.530.

Impervious to Water (as to Floors). A clean, smooth floor installed to manufacturer’s recommendations, without cracks or holes and if made of wood, having tightly fitted joints, covered with a water-resistant coating.

Kitchen. A designated space with facilities for storage and cooking of food for human consumption.

Let for Occupancy or Let. See Section 15.24.530.

Notice. The formal means of communication to inform the property owner of noncompliance with this code.

Occupancy. The purpose for which a building or portion thereof is utilized or occupied.

Occupant. See Section 15.24.530.

Operator. See Section 15.24.530.

Owner. See Section 15.24.530.

Plumbing. See Section 15.24.1070.

Plumbing Fixture. See Section 15.24.1070.

Premises. See Section 15.24.530.

Public Nuisance. See Section 15.24.530.

Registered Design Professional. An architect or engineer, registered or licensed to practice professional architecture or engineering, as defined by the statutory requirements of the professional registration laws of the state of Maryland.

Resident Manager. One who acts on the behalf of the owner to manage the property and to ensure housing code compliance and lives on the premises.

Rubbish. The waste materials commonly referred to as rubbish and garbage, including trash from normal household living conditions, including waste, foodstuffs of vegetable or animal origin, paper products, fabrics, plastic and metal containers, bottles, crockery and other similar materials, and combustible and noncombustible waste materials, including the residue from the burning of wood, coal, coke and other combustible materials, paper rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matters, glass, abandoned or inoperable machinery, unregistered marine equipment, including boats and towing trailers (in which the registration has expired which exceeds one year), bottles, waste paper, cardboard, sawdust piles, debris from building construction or reconstruction, uprooted tree stumps, street refuse and all other waste materials, provided, however, that as used in this article, "rubbish" shall not be construed or interpreted so as to include any abandoned, unlicensed or inoperable motor vehicle.

Safety. The condition of being free from danger and hazard which may cause accidents or disease.

Sanitary Sewer. The sanitary sewer owned, operated and maintained by the city of Salisbury, Maryland, provided for the disposal of sewage.

Space Heater. A self-contained appliance of either the circulating type or the radiant type, intended primarily to heat an interior area.

Structure. That which is built or constructed or a portion thereof.

Vacated Dwelling. Any dwelling or dwelling unit vacated or caused to be vacated by virtue of noncompliance with or enforcement of the provisions of this code.

Ventilation. See Section 15.24.920 of this chapter.

Workmanlike. A reasonable skillful manner employing the manufacturer's installation recommendations. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

Yard. See Section 15.24.530 of this chapter.

(Ord. 1974 (part), 2005; Ord. 1958, 2005; Ord. 1665 Exh. A (part), 1997)

Article XII General Requirements

15.24.500 Scope.

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property. (Ord. 1665 Exh. A (part), 1997)

15.24.510 Responsibility.

The owner of the premises or his agent shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in Sections 15.24.650 and 15.24.660. A person shall not occupy as owner-occupant or permit another person to occupy premises which do not comply with the requirements of this chapter. (Ord. 1665 Exh. A (part), 1997)

15.24.520 Vacant structures and land.

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so not to cause a blighting problem or adversely affect the public health or safety. (Ord. 1665 Exh. A (part), 1997)

15.24.530 General definitions.

The following words and terms shall, for the purpose of this article and as stated elsewhere in this code, have the meanings shown herein.

Basement. That portion of a structure which is partly or completely below grade.

Exterior Property. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Infestation. The presence, within or contiguous to a structure or premises, of insects, rats, vermin or other pests.

Let for Occupancy or Let. To allow possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded agreement of contract for the sale of land.

Occupant. Any person living or sleeping in a building, or having possession of a space within a building.

Operator. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or city of Salisbury, Maryland as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person. An individual, corporation, partnership or any other group acting as a unit.

Premises. A lot, plot or parcel of land including any structures thereon.

Public Nuisance. Includes the following:

1. The physical condition or occupancy of any premises regarded as a public nuisance at common law;
2. Any physical condition or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures;
3. Any premises that has unsanitary sewerage or plumbing facilities;
4. Any premises designated unsafe and unfit for human habitation;
5. Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or insecure so as to endanger life, limb or property;
6. Any premises from which the plumbing, heating or electrical facilities required by this code have been removed, disconnected, destroyed, or rendered ineffective; or
7. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; unsecured, or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.

Yard. An open space on the same lot with a structure.

(Ord. 1665 Exh. A (part), 1997)

Article XIII Exterior Property Areas

15.24.540 Sanitation.

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The owner shall keep that part of the exterior property which he occupies, lets or controls in a clean and sanitary condition. Every animal owner shall prohibit the accumulation of animal waste which causes offensive odors and/or creates an unhealthful condition. (Ord. 1795 (part), 2001; Ord. 1665 Exh. A (part), 1997)

15.24.550 Grading and drainage.

All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon. (Ord. 1665 Exh. A (part), 1997)

15.24.560 Sidewalks and driveways.

Sidewalks, curbing and guttering shall be kept free of weeds, grass and plant growth. (Ord. 1665 Exh. A (part), 1997)

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 or the front yard. Occupant(s) shall receive a notice in the form set forth in Section 15.24.190 of this chapter to remove said furniture, furnishings, appliances or decorations, 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 neighborhood services and code compliance, or its designated agents, will remove said items to the Wicomico County landfill. (Ord. 1974 (part), 2005; Ord. 1795 (part), 2001; Ord. 1704, 1999)

15.24.580 White goods.

For safety reasons, all white goods including abandoned ice boxes, refrigerators, freezers and dryers shall be removed and/or secured within forty-eight (48) hours after verbal or written notification by the building official. (Ord. 1665 Exh. A (part), 1997)

15.24.590 Exhaust vents and waste discharge.

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke or odors upon abutting or adjacent public or private property or that of another tenant. Sewage shall be properly disposed through the city's sewer system. Buckets and other types of containers shall not be used for the collection and disposal of human waste. (Ord. 1665 Exh. A (part), 1997)

15.24.600 Accessory structures.

All accessory structures, including detached garages, sheds, fences, and walls, shall be maintained structurally sound and in good repair. (Ord. 1665 Exh. A (part), 1997)

Article XIV Rodent and Infestation Control

15.24.610 Rat and rodent harborage.

All structures and exterior property shall be kept free from rat and other rodent infestation. Where rats and other rodents are found, they shall be promptly exterminated by approved processes which will not be injurious

to human health. After extermination, proper precautions shall be taken to prevent reinfestation. (Ord. 1665 Exh. A (part), 1997)

15.24.620 Infestation.

All structures shall be kept free from insect and roach infestation. All structures in which insects and roaches are found shall be promptly exterminated by approved processes that will not be injurious to human health. (Ord. 1665 Exh. A (part), 1997)

15.24.630 Owner.

The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure. (Ord. 1665 Exh. A (part), 1997)

15.24.640 Single occupancy.

The occupant of a structure containing a single-family dwelling unit shall be responsible for extermination on the premises. (Ord. 1665 Exh. A (part), 1997)

15.24.650 Multiple occupancy.

The owner of a structure containing two or more dwelling units, a multiple occupancy or a rooming house shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupants shall be responsible for exterminations. (Ord. 1665 Exh. A (part), 1997)

Article XV Rubbish and Garbage

15.24.660 Disposal of rubbish.

Every occupant of a structure shall dispose of all rubbish and garbage in a clean and sanitary manner by placing such rubbish in approved containers. (Ord. 1665 Exh. A (part), 1997)

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 neighborhood services and code compliance. (Ord. 1974 (part), 2005; Ord. 1795 (part), 2001; Ord. 1665 Exh. A (part), 1997)

Article XVI Exterior Structure

15.24.680 General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. The exterior of a structure shall be kept in a condition as to not indicate blight or deterioration. (Ord. 1665 Exh. A (part), 1997)

15.24.690 Street numbers.

Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in arabic numerals at least three inches high and one-half inch stroke. (Ord. 1665 Exh. A (part), 1997)

15.24.700 Structural members.

All structural members shall be maintained free from deterioration, rot and decay, and shall be capable of safely supporting the imposed dead and live loads. (Ord. 1665 Exh. A (part), 1997)

15.24.710 Foundation walls.

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats and other rodents. (Ord. 1665 Exh. A (part), 1997)

15.24.720 Exterior walls.

All exterior walls shall be free from holes, breaks, loose or rotting materials and maintained weatherproof and properly surface coated when required to prevent deterioration. Lead based paint shall be in accordance with Maryland state law.

In the event that any exterior siding is replaced due to renovations or deterioration, the replacement siding shall match the color of the existing siding.

Exterior siding shall be maintained to prevent the accumulation or growth of mold and mildew. (Ord. 1708, 1999)

15.24.730 Roofs and drainage.

The roof shall be structurally sound, tight, free of defects which might admit rain, and shall be maintained in good repair. Roofs with buckled, curled or missing shingles in excess of fifty percent (50%) of the roof area shall not be considered as maintained in good repair. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof water shall not be discharged in a manner that creates a public nuisance. (Ord. 1795 (part), 2001; Ord. 1665 Exh. A (part), 1997)

15.24.740 Overhang extensions.

All canopies, marquees, signs, awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. (Ord. 1665 Exh. A (part), 1997)

15.24.750 Chimneys and towers.

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe, sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay and rust by periodic application of weather-coating materials, such as paint or similar surface treatment. (Ord. 1665 Exh. A (part), 1997)

15.24.760 Handrails and guards.

Every stair, porch balcony, railings and all appurtenances shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good repair. Handrails, guardrails and steps shall be installed pursuant to the city's building code. (Ord. 1665 Exh. A (part), 1997)

15.24.770 Window and door frames.

Every window, exterior door and frame shall be maintained in such condition to exclude rain and wind from entering the dwelling or structure.

A. Glazing. All glazing and glass materials shall be maintained free from cracks and holes.

B. Operable Windows. Every window, other than a fixed window, shall be easily operable and capable of being held in position by window hardware. (Ord. 1665 Exh. A (part), 1997)

15.24.780 Insect screens.

A. During the period from April 15 to October 1, every window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, or any areas where products to be included or utilized in food preparation for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per inch and every swinging door shall have a self-closing device in good working condition.

B. Exception: Portable screens shall be acceptable. (Ord. 1665 Exh. A (part), 1997)

15.24.790 Doors.

Every exterior door, door hinge and door latch shall be maintained in good working condition. Door locks at all entrances to dwelling units, rooming units and guests rooms shall tightly secure the door. Padlocks and hasps are not permitted on doors, unless used for storage only. (Ord. 1665 Exh. A (part), 1997)

15.24.800 Basement hatchways.

Every basement hatchway shall be maintained to prevent the entrance of rats and other rodents, rain, surface drainage water or other hazards into the structure. (Ord. 1665 Exh. A (part), 1997)

15.24.810 Stormwater disposal.

An effective system of stormwater disposal shall be provided and maintained for the safe and efficient drainage of roofs, paved areas, yards and courts, and other open areas on the premises. (Ord. 1665 Exh. A (part), 1997)

Article XVII Interior Structure

15.24.820 General.

The interior of a structure and equipment therein which is required under this code shall be maintained in good repair, structurally sound and in sanitary condition. Every occupant shall keep that part of the structure which such occupant occupies or controls in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property. (Ord. 1665 Exh. A (part), 1997)

15.24.830 Interior surfaces.

Ceilings, walls and floors shall be maintained free of holes, large cracks or loose and deteriorated materials. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected. The joint between the repaired and sound material is to be made flush, smooth and surface coated. (Ord. 1665 Exh. A (part), 1997)

15.24.840 Doors.

Doors to habitable rooms, bathrooms and toilet rooms are to be hung properly and equipped with hardware, including operable locksets. Hasp lock assemblies are not permitted on doors unless for storage only. (Ord. 1665 Exh. A (part), 1997)

15.24.850 Lead based paint.

Lead-based paint shall be in accordance with Maryland state law. (Ord. 1665 Exh. A (part), 1997)

15.24.860 Stairs and railings.

All interior stairs and railings shall be maintained in sound and good repair and shall be capable of bearing loads as required by the city building code. (Ord. 1665 Exh. A (part), 1997)

15.24.870 Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. (Ord. 1665 Exh. A (part), 1997)

15.24.880 Floor surfaces.

Every water closet compartment, utility room, bathroom and kitchen floor surface shall be constructed and maintained to be impervious to water. Such floors shall be kept in a clean and sanitary condition. All other floor surfaces shall be structurally sound and maintained in a good, clean and sanitary condition. Decayed wood or other defective surface conditions shall be eliminated. (Ord. 1665 Exh. A (part), 1997)

Article XVIII Light, Ventilation and Occupancy Limitations

15.24.890 Scope.

The provisions of this article shall govern the minimum conditions and standards for light, ventilation and space for the occupancy of a structure. (Ord. 1665 Exh. A (part), 1997)

15.24.900 Responsibility.

The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy any premises that do not comply with the requirements of this article. (Ord. 1665 Exh. A (part), 1997)

15.24.910 Alternative devices.

In lieu of the means for natural light and ventilation herein prescribed, artificial light sources or mechanical ventilation systems complying with the building code may be used. (Ord. 1665 Exh. A (part), 1997)

15.24.920 Definitions.

The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein.

Habitable Space. Space in a structure for living, sleeping, eating or cooking. Bathrooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Openable Area. That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Ventilation. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space. (Ord. 1665 Exh. A (part), 1997)

15.24.930 Light.

The following standards are required in structures covered by this code:

A. **Habitable Spaces.** Every habitable space shall have at least one window facing directly to the outdoors for natural illumination and for emergency egress and access. Every window provided or used for light and ventilation for habitable spaces shall be easily operable and secured in an open position by window hardware.

B. **Artificial Light.** If artificial light is not provided, the minimum glazed area, clear or translucent, for windows shall be eight percent of the floor area of the room.

Exception: Bathrooms, water closet compartments and food preparation areas shall comply unless mechanically exhausted outdoors at a rate of two cubic feet per minute for each square foot of floor area.

C. **Common Halls and Stairways.** Every common hall and stairway, other than one and two family dwellings, shall be able to be lit at all times with at least a sixty (60)-watt standard incandescent light bulb or equivalent for each two hundred (200) square feet of floor area, provided that the spacing between lights shall not be greater than thirty (30) feet. Every stairway shall be illuminated with a minimum of one footcandle at floors, landings and treads.

D. **Emergency Egress.** Windows in multiple family dwelling structures shall not serve as the primary means of egress to an outside stairway. Where windows are provided as a means of egress or rescue, they shall have a sill height of not more than forty-four (44) inches above the floor. (Ord. 1665 Exh. A (part), 1997)

15.24.940 Ventilation.

A. **Habitable Spaces.** Every habitable space shall have at least one operable window for natural ventilation.

B. **Bathrooms and Toilet Rooms.** Every bathroom and toilet room shall comply with ventilation requirements for habitable spaces except that a window shall not be required in spaces equipped with a mechanical ventilation system that exhausts air to the exterior and does not recirculate it to any space, including the space from which such air is withdrawn.

C. **Clothes Dryer Exhaust.** Clothes dryer venting systems shall be independent of all other systems, and shall be vented to the exterior of the structure. (Ord. 1665 Exh. A (part), 1997)

15.24.950 Occupancy limitations.

A. **General.** Dwelling units, hotel units, or rooming units shall be arranged to provide privacy and be separate from other adjoining spaces.

B. **Square Footage.** Every dwelling unit shall contain at least one hundred fifty (150) square feet of habitable area for one occupant, and one hundred (100) square feet of habitable area for each additional person. The floor area shall be calculated only on the basis of the total area of all habitable rooms.

C. Area for Sleeping Purposes. Every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least fifty (50) square feet of floor area for each additional occupant.

D. Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the following:

1. A detached dwelling unit (single house) may be occupied by:
 - a. One family allowing for visiting guest, or
 - b. Not over four unrelated occupants;
2. An attached dwelling unit may be occupied by:
 - a. One family allowing for visiting guest, or
 - b. Not over three unrelated occupants;
3. A multiple-family dwelling unit may be occupied by:
 - a. One family allowing for visiting guest, or
 - b. Not over three unrelated occupants;
4. A rooming unit may be occupied by:
 - a. One family, or
 - b. Not over two unrelated occupants. (Ord. 1665 Exh. A (part), 1997)

Article XIX Boarding Houses

15.24.960 Cooking in rooming units.

Cooking in rooming units is prohibited. (Ord. 1665 Exh. A (part), 1997)

15.24.970 Dining facilities.

Commercial cooking and dining facilities in a boarding house are prohibited, except in kitchen areas and other areas as approved by the building official. (Ord. 1665 Exh. A (part), 1997)

15.24.980 Doors.

Access doors to rooming units shall have operating locksets to ensure privacy. Hasp lock assemblies are not permitted on doors unless used for storage only. (Ord. 1665 Exh. A (part), 1997)

15.24.990 Prohibited occupancy.

Kitchens, nonhabitable spaces and interior public areas shall not be occupied for sleeping purposes. (Ord. 1665 Exh. A (part), 1997)

15.24.1000 Special requirements.

Special requirements for boarding houses shall be subject to all provisions herein required and the following:

- A. Each boarding house shall, at all times, have a resident manager at such boarding house.
- B. The name, address and phone number of the owner, his agent or lesser, if any, shall be posted on the back of the main entrance door.
- C. The owner, his agent or lessee shall be responsible for maintaining the ground in a clean condition. He shall take necessary steps to prevent parking of vehicles in front yards. He shall take necessary steps to prevent the placing of interior-type furnishings on porches or front yards, and chronic accumulation of rubbish. (Ord. 1665 Exh. A (part), 1997)

15.24.1010 Food preparation.

All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage. (Ord. 1665 Exh. A (part), 1997)

15.24.1020 Access to sleeping rooms and bathrooms.

A. No dwelling unit or boarding house containing two or more sleeping rooms shall have access to a bathroom or water closet compartment by going through another sleeping room.

B. Boarding and rooming houses shall not have access to sleeping rooms, limited by access, through another sleeping room, bathroom or water closet compartment. (Ord. 1665 Exh. A (part), 1997)

Article XX Basements as Habitable Rooms

15.24.1030 General.

No basement may be used as a habitable sleeping room unless it is in compliance with the following:

- A. The floor and those portions of the walls below grade are of waterproof and damp proof conditions;
- B. The total openable window area in each room is equal to at least the minimum as required under this code, except where other devices affording adequate ventilation and humidity control are supplied;
- C. The basement ceiling shall be furnished and covered with a normal ceiling covering;
- D. A fire extinguisher shall be supplied in the basement area;
- E. Smoke detectors shall be installed at the top of the basement stairway and in each habitable space in the basement. (Ord. 1665 Exh. A (part), 1997)

15.24.1040 Minimum ceiling heights.

Habitable basement spaces shall have a clear ceiling height of not less than seven feet two inches.

Exceptions.

- 1. Beams or girders spaced not less than four feet on center and projecting not more than six inches below the required ceiling height.
- 2. Basement rooms in one and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than six feet eight inches with not less than six feet four inches of clear height under beams, girders, ducts and similar obstructions.
- 3. Dropped or furred ceilings over not more than one-half of the minimum floor area required by this code, provided that no part of such dropped ceiling is less than six feet ten inches in height. (Ord. 1665 Exh. A (part), 1997)

Article XXI Plumbing Facilities and Fixture Requirements

15.24.1050 Scope.

The provisions of this article shall govern the minimum plumbing facilities and plumbing fixtures to be provided. (Ord. 1665 Exh. A (part), 1997)

15.24.1060 Responsibility.

The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to

occupy any structure or premises which does not comply with the requirements of this chapter. (Ord. 1665 Exh. A (part), 1997)

15.24.1070 Definitions.

The following words and terms shall, for the purpose of this chapter and as stated elsewhere in this code, have the meanings shown herein.

“Bathroom” means a room containing plumbing fixtures including a bathtub or shower.

“Plumbing” means the practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances within the scope of the city’s practical plumbing code.

“Plumbing fixture” means a receptacle or device which is either permanently or temporarily connected to the water distribution system of the city of Salisbury, and demands a supply of water therefrom; or discharges waste water, liquid-borne waste materials, or sewage directly into the city’s sewer treatment system.

“Toilet room” means a room containing a water closet or urinal but not a bathtub or shower. (Ord. 1665 Exh. A (part), 1997)

15.24.1080 Requirements and facilities.

A. Maintenance. All plumbing fixtures shall be maintained in a safe, usable condition and in accordance with the city’s practical plumbing code and all plumbing facilities shall be maintained in a clean and sanitary condition to prevent unhealthful conditions.

B. Repairs and Installations. Building drainage piping shall be properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the city’s practical plumbing code.

C. Dwelling Units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. Such facilities shall be connected to water system that at all times provides an adequate amount of running water under pressure and shall be connected to a sewer system in accordance with the rules and regulations of the State Department of Health and Department of Public Works.

D. Rooming Houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

E. Toilet Rooms. Within every dwelling unit there shall be a nonhabitable room (bathroom) which affords privacy to a person within such room and which is equipped with a flush water closet in good working condition, and properly connected to a water and sewer system.

F. Water Supply. It shall be illegal to occupy as owner-occupant or permit another person/s to occupy any structure or premises which does not have a supply of hot or tempered and cold running water connected to the structure and readily available upon demand. (Ord. 1665 Exh. A (part), 1997)

15.24.1090 Plumbing fixtures.

A. General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and capable of performing in the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

B. Appliances. All gas (natural and propane) appliances shall be installed and maintained in accordance with the BOCA Mechanical Code.

C. Water Heating Facilities. Every dwelling unit shall have supplied water heating facilities which are properly installed, operated and maintained in a safe and good working condition and are properly connected to the bathtub or shower, sink and lavatory basin. Such water heating facilities shall be capable of heating water to a temperature of one hundred ten (110) degrees Fahrenheit and capable of meeting normal demands at every required plumbing outlet. All gas-fired water heaters shall be vented to the outside. Gas and liquid fuel water heaters are not permitted to be located in bedrooms. (Ord. 1665 Exh. A (part), 1997)

Article XXII Mechanical and Electrical Requirements

15.24.1100 Scope.

The provisions of this article shall govern the minimum mechanical and electrical facilities and equipment to be provided. (Ord. 1665 Exh. A (part), 1997)

15.24.1110 Responsibility.

The owner of the structure shall provide and maintain mechanical and electrical facilities and in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter. (Ord. 1665 Exh. A (part), 1997)

15.24.1120 Heating facilities.

A. Residential Buildings. Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of sixty-five (65) degrees Fahrenheit in all habitable rooms, bathrooms and toilet rooms, limited to the following:

1. Stationary heat unit(s) from which heated air is distributed through a system of ducts, pipes or plenums;
2. Stationary heat unit(s) which is equipped with a fan or blower to circulate heated air;
3. Stationary heat unit(s) through which air is circulated by gravity;
4. Stationary heat unit(s) which conduct heat through registers or electric heating coils; and
5. Stationary heat unit(s) which provide heat by means of convection.

B. Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit or guest room on terms, either expressed or implied, shall furnish a heat source to the occupants. All fuel burning heat sources shall be installed and maintained according to manufacturer's specifications.

C. Space Heaters. Unvented space heaters or unvented kerosene heaters providing supplementary heat may be used in a single-family dwelling only under the following conditions:

1. As a secondary source of heat and not a primary source of heat; and
2. With written consent of the property owner.

Unvented kerosene heaters are prohibited in multiple-family dwellings. (Ord. 1665 Exh. A (part), 1997)

15.24.1130 Mechanical equipment.

A. Mechanical Equipment. All mechanical equipment, fireplaces and fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

B. Controls. All controls and safety controls for fuel burning equipment shall be maintained in safe and effective operation.

C. Cooking and Heating Equipment. Devices for heating and/or cooking food or beverages are not required. However, if provided, they shall be functional and safely operable, free of food or grease deposits and located in such a manner as to be safe and sanitary. Electrical cords shall be undamaged, safe and of adequate wire sizing and length to be utilized without extension cords. All gas devices, piping and connections shall be installed in accordance with the National Gas Code. (Ord. 1665 Exh. A (part), 1997)

15.24.1140 Electrical facilities.

A. Facilities Required. Every occupied dwelling shall be provided with an electrical system in compliance with the requirements of this section and Section 15.24.1150.

B. Service. Every electrical outlet and fixture, and all electrical wiring and equipment shall be installed, maintained and connected to a source of electrical power in accordance with the provisions of the effective National Electrical Code. Every dwelling shall be served by a main service that is not less than sixty (60) amperes. (Ord. 1665 Exh. A (part), 1997)

15.24.1150 Electrical equipment.

A. General. It shall be illegal to occupy as owner-occupant or permit another person/s to occupy any structure or premises which is not provided with a connected electrical system and power available upon demand.

B. Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in accordance with the National Electric Code.

C. Receptacles. The excessive use of extension cords in any dwelling unit shall be construed as a condition requiring additional duplex outlets.

D. Bathrooms. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

E. Water Use Area. In any water use area, including, but not limited to bathrooms, utility rooms, kitchens and basements, electrical receptacles are prohibited in floor areas where they would create a hazardous condition. (Ord. 1665 Exh. A (part), 1997)

Article XXIII Fire Safety Requirements

15.24.1160 Scope.

The provisions of this article shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided. (Ord. 1665 Exh. A (part), 1997)

15.24.1170 Responsibility.

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter. (Ord. 1665 Exh. A (part), 1997)

15.24.1180 Means of egress.

A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to a public way.

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 main-

tained 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 International Building Code.

B. Number of Exits. In residential buildings, every story or rooming unit/s exceeding two stories above grade shall be provided with not less than two independent exits. In stories of rooming unit/s where more than one exit is required, all occupants shall have access to at least two exits.

Exception: A single exit is acceptable under any one of the following conditions:

1. Where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies and commons areas;

2. Where the building is equipped throughout with an automatic fire detection system and the exit is an approved smoke proof enclosure or pressurized stairway;

3. Where an existing fire escape conforming to the International Building Code.

C. Arrangement. Exits from dwelling units shall not lead through other such units, or through toilet rooms or bathrooms. Exiting through kitchens shall not be the only means of egress.

D. Exit Signs. All means of egress shall be indicated with approved "Exit" signs, where required by the NFPA Life Safety Code. All "Exit" signs shall be maintained visible and all illuminated "Exit" signs shall be illuminated at all times that the building is occupied.

E. Emergency Lighting. Means of egress shall be equipped with artificial lighting facilities to provide the intensity of illumination as prescribed in the NFPA Life Safety Code.

F. Locked Doors. Except in one- and two-family dwellings, means of egress doors shall be readily operable from the inside from which egress is to be made without the need for keys, special knowledge or effort. Exception: glass doors on first floor or ground level subject to burglary. (Ord. 1974 (part), 2005; Ord. 1665 Exh. A (part), 1997)

15.24.1190 Accumulations and storage.

A. Accumulations. Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

B. Hazardous Material. Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids or combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the State Fire Prevention Code. (Ord. 1665 Exh. A (part), 1997)

15.24.1200 Fire resistance ratings.

A. General. The fire resistance ratings of floors, walls, ceilings, and other elements and components shall be maintained.

B. Maintenance. All required fire doors, and smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. Fire doors shall not be held open by door stops, wedges and other unapproved held-open devices. (Ord. 1665 Exh. A (part), 1997)

15.24.1210 Fire suppression systems.

Fire suppression systems shall be in proper working conditions at all times.

A. Valves. Control valves shall be in the fully open position.

B. Sprinklers. Sprinklers shall be clean and free of corrosion, paint and damage.

C. Piping. Piping shall be properly supported and shall not support other loads.

(Ord. 1665 Exh. A (part), 1997)

15.24.1220 Standpipe systems.

Standpipe systems shall be in proper operating condition at all times.

- A. Valves. Water supply valves shall be in the fully open position.
- B. Hose Connections. Hose connections shall be identified and have ready access thereto.
- C. Hose. Where provided, the hose shall be properly packed, dry and free from deterioration.

(Ord. 1665 Exh. A (part), 1997)

15.24.1230 Fire extinguishers.

All portable fire extinguishers shall be visible, properly charged and maintained in an efficient and safe operating condition. Extinguishers shall be of an approved type. (Ord. 1665 Exh. A (part), 1997)

15.24.1240 Smoke detectors.

Smoke detectors shall be in accordance with the state law.

A. Installation. All detectors shall be installed in accordance with the State Fire Prevention Code. When actuated, the smoke detectors shall provide an alarm suitable to warn occupants within the individual room or dwelling unit.

B. Power Source. The power source for smoke detectors shall be either an AC primary power source or a monitored battery primary power source.

C. Tampering. Anyone tampering or interfering with the effectiveness of a smoke detector shall be charged with a misdemeanor. (Ord. 1665 Exh. A (part), 1997)

15.24.1250 Fire protection signaling systems.

Fire protection signaling systems shall be in proper operating condition at all times.

A. Control Panel. The “power on” indicator shall be lit. Alarm or trouble indicators shall not be illuminated.

B. Manual Fire Alarm Boxes. All manual fire alarm boxes shall be operational and unobstructed.

C. Automatic Fire Detectors. All automatic fire detectors shall be operational and free from any obstructions that prevent proper operation. (Ord. 1665 Exh. A (part), 1997)

Article XXIV Abandoned or Inoperable Vehicles

15.24.1260 Scope.

Abandoned, unlicensed or inoperable motor vehicles on any private property, are illegal and will be addressed in the following manner:

A. Twenty (20) days written notice shall be given to the owner of record of the property and/or the person, firm or corporation having control of such property where the motor vehicle is located (with a copy to the last known registered owner of the motor vehicle, if known) to license, repair or remove same, and a copy of such notice shall be posted on the vehicle.

B. If the terms of the notice are not complied within the twenty (20) day period as provided, the city shall then have the power and authority to take into custody and physically remove the motor vehicle by towing or otherwise moving it to an open storage area provided by a private contractor where the vehicle shall remain for at least twenty-five (25) days. Neither the city nor the towing facilities utilized, nor the respective agents of each or property owner, may be held liable for any damage or theft that may be incurred to said motor vehicle during the period of towing or storage.

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 housing official, the 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 housing official shall notify the Salisbury police department and a certificate of disposal shall be issued to the towing company storing the vehicle.

D. If the motor vehicle is not reclaimed within the twenty-five (25) days, it shall be conclusively presumed to be abandoned by its registered owner and that the failure of the registered owner or lien holders to exercise their right to reclaim the motor vehicle within the time provided shall be deemed a waiver by the registered owner and all lien holders of all right, title, and interest in the motor vehicle and consent to the city the power and authority to dispose of the motor vehicle to a junk yard or disposing of same by any other reasonable means which the city may elect.

E. When the city of Salisbury has effected the removal of any abandoned, inoperable or untagged vehicle by a local city registered towing company, the towing company shall be paid eighty-five dollars (\$85.00) plus one hundred fifty dollars (\$150.00) for a total of two hundred thirty-five dollars (\$235.00) after a certificate of disposal is issued by the Salisbury police department.

F. If the full amount due to the city is not paid by such owner within thirty (30) days after the fee has been paid to the towing company, then the 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. 1974 (part), 2005; Ord. 1841, 2002; Ord. 1665 Exh. A (part), 1997)

Article XXV City to Correct Accumulations of Rubbish—Assessments of Cost

15.24.1270 Scope.

The provisions of this chapter govern the accumulation, removal and assessment of costs of rubbish and shall apply to any real property within the city of Salisbury. (Ord. 1665 Exh. A (part), 1997)

15.24.1280 Housing official.

The decision of the 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 housing official shall be entitled to treat all such mixed articles as rubbish. (Ord. 1974 (part), 2005; Ord. 1665 Exh. A (part), 1997)

15.24.1290 Authorization.

The city of Salisbury, its officers, employees, agents or contractors, are hereby authorized to enter upon any real property within the city of Salisbury to remove such rubbish and to do any and all other matters upon such property as are reasonably necessary and proper to enforce this chapter. In the event that such removal is done by the city of Salisbury department of public works' employees, or its agents, then this chapter shall supersede and be an exception to the provisions of Section 8.16.020(B) of this code. (Ord. 1665 Exh. A (part), 1997)

15.24.1300 Owner responsibility.

The correction of any condition by the city of Salisbury under authority of this chapter shall not relieve the owner of the property on which such condition existed or arose from criminal prosecution or punishment,

whether misdemeanor or municipal infraction, for having caused or allowed such unlawful condition to arise or for having failed or refused to correct the same. (Ord. 1665 Exh. A (part), 1997)

15.24.1310 Severability.

If any section or part of any section of this chapter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this chapter or the context in which such section or part of any section so held invalid appears, except to the extent that an entire section or part section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall apply. (Ord. 1665 Exh. A (part), 1997)

Article XXVI Accumulation of Rubbish Prohibited

15.24.1320 General.

No person shall allow rubbish to remain, to be deposited or to accumulate, either temporarily or permanently, on his property. This section shall not apply to those persons who store such rubbish in a lawfully permitted manner for the purpose of collection pursuant to Chapter 8.16 of this code. (Ord. 1665 Exh. A (part), 1997)

15.24.1330 Notice to remove rubbish.

The city of Salisbury's 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. 1974 (part), 2005: Ord. 1665 Exh. A (part), 1997)

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 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. 1974 (part), 2005: Ord. 1795 (part), 2001; Ord. 1710 (part), 1999)

15.24.1350 Charges for removal and collection.

A. When the city of Salisbury has effected the removal of such rubbish by its own employees, or has paid for the removal of such rubbish by its agents or contractors, the actual costs thereof and any related expenses along with an administrative fee of one hundred dollars (\$100.00) shall be charged to the owner of such property and, if not sooner paid, 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.

B. When the city of Salisbury has, for the second time and any additional times at such property, effected the removal of such rubbish by its own employees or has paid for the removal of such rubbish by its agents or contractors, the actual costs thereof and any related expenses along with an administrative fee of five hundred dollars (\$500.00) shall be charged to the owner of such property and, if not sooner paid, 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. 1665 Exh. A (part), 1997)

15.24.1360 Service of notice.

Any notice required by this chapter to be served shall be deemed to have been served by any of the following methods:

- A. Hand delivered to the person to be notified;
 - B. Left at the usual residence or place of business of the person to be notified with the person or his agent;
 - C. Deposit the notice or order in the United States Post Office, postage prepaid, addressed to the owner at his last known address as recorded in the real estate assessment records of the city of Salisbury and by posting a copy of the notice or order in a conspicuous place on the property;
 - D. Post in the presence of a witness and photographed by authorized personnel.
- (Ord. 1665 Exh. A (part), 1997)

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 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. 1974 (part), 2005: Ord. 1665 Exh. A (part), 1997)

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 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. 1974 (part), 2005: Ord. 1710 (part), 1999)

Article XXVII Eviction, Placement of Property, Removal, Assessment of Costs*

* Prior ordinance history: Ords. 1676 and 1695.

15.24.1390 Eviction—Abandoned property.

Whenever under a warrant of restitution executed by a designated authority the property of a tenant has been removed from the leased premises, the property shall be placed upon the landlord's property in a place designated by the landlord or, if none is designated, on the landlord's property as near as possible to the leased premises. In no event may any of tenant's property be placed on a public highway, right-of-way, sidewalk or on any public property. Any property removed from the leased premises pursuant to a properly issued warrant of restitution shall be deemed abandoned. (Ord. 1927 (part), 2005)

15.24.1391 Abandoned property on sidewalks and front yards.

Property placed on sidewalks, curbs, areas between the sidewalks and curbs, and front yards, shall be considered abandoned property. (Ord. 1927 (part), 2005)

15.24.1400 Notice to remove abandoned property.

The city of Salisbury's housing official is authorized to notify the owner, as defined in Section 15.24.530 of this chapter, 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. 1974 (part), 2005: Ord. 1927 (part), 2005)

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 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. 1974 (part), 2005: Ord. 1927 (part), 2005)

15.24.1420 Charge for removal—Collection.

When the city of Salisbury has effected the removal of such abandoned property by its own employees or has paid for the removal of such rubbish by its agents or contractors, the actual costs thereof and any related expenses, along with an administrative fee of one hundred dollars (\$100.00), shall be charged to the owner of such property and, if not sooner paid, 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. 1927 (part), 2005)

15.24.1430 Service of notice.

Any notice required by this article to be served shall be deemed to have been served when delivered by any of the following methods:

A. When forwarded to the last known address of the owner as recorded in the real estate assessment records of the city of Salisbury by registered or certified mail, with return receipt, and such receipt shall constitute prima facie evidence of service upon such owner if such receipt is signed either by the owner or by a person of suitable age and discretion located at such address, provided that valid service upon the owner shall be deemed effected if such notice shall be refused by the owner and not delivered for that reason;

B. When delivered to the person to be notified by personal service, or facsimile transmission, or electronic mail;

C. When left at the usual residence or place of business of the person to be notified with a person of suitable age and discretion then resident or employed therein; or

D. If service cannot be effected as provided for above, then if published for three consecutive days in a daily newspaper published in the city of Salisbury and a copy of the same is posted on the subject property. (Ord. 1927 (part), 2005)

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 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. 1974 (part), 2005: Ord. 1927 (part), 2005)

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 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 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. 1974 (part), 2005)

Article XXVIII City to Repair Structures—Assessment of Cost

15.24.1500 Scope.

The provisions of this article govern the repair of structures in the city of Salisbury and shall apply to any structures within the city of Salisbury. (Ord. 1892 (part), 2004)

15.24.1510 Authorization.

The city of Salisbury, its officers, employees, agents or contractors, are hereby authorized to enter upon any real property within the city of Salisbury to repair a structure and to do any and all other matters upon such property as are reasonably necessary and proper to enforce this article. (Ord. 1892 (part), 2004)

15.24.1520 Owner responsibility.

The correction of any condition by the city of Salisbury under authority of this article shall not relieve the owner of the property on which such condition existed or arose from criminal prosecution or punishment, whether misdemeanor or municipal infraction, for having caused or allowed such unlawful condition to arise or for having failed or refused to correct the same. (Ord. 1892 (part), 2004)

15.24.1530 Duty to repair.

The owners of structures on real property in the city of Salisbury shall have the duty to repair said property in accordance with this chapter. (Ord. 1892 (part), 2004)

15.24.1540 Notice to repair.

The city of Salisbury's 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. 1974 (part), 2005; Ord. 1892 (part), 2004)

15.24.1550 Repair by the city.

After an owner receives a municipal infraction for repairs and a court hearing thereon, the 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 housing official is authorized and empowered to cause such condition to be corrected by repairing the structure and the housing official is hereby authorized and empowered to pay for the repair. (Ord. 1974 (part), 2005; Ord. 1892 (part), 2004)

15.24.1560 Charges for repair.

When the city of Salisbury has paid for the repair of a structure, the actual cost thereof and any related expenses along with an administrative fee of one hundred dollars (\$100.00) shall be charged to the owner of such property, and if not paid by the owner, such charge will be carried on the records of the city of Salisbury and shall be collectible in the same manner as real estates are collected. (Ord. 1892 (part), 2004)

15.24.1570 Service of notice.

Any notice required by this article to be served, shall be deemed to have been served by any of the following methods:

- A. Hand delivered to the person to be notified;
- B. Delivered to the residence or place of business of the person to be notified by leaving with the person or a person of suitable age and discretion then residing or employed therein; or
- C. Deposit of the notice in the United States Post Office, postage prepaid, addressed to the owner at his last known address, as recorded in the real estate assessment records of the city of Salisbury and by posting a copy of the notice or order in a conspicuous place on the property. (Ord. 1892 (part), 2004)

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 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. 1974 (part), 2005; Ord. 1892 (part), 2004)

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 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. 1974 (part), 2005; Ord. 1892 (part), 2004)

Article XXIX Occupancy

15.24.1600 Scope.

Provisions of this article shall govern the occupancy of dwelling units within the city of Salisbury. (Ord. 1961 (part), 2005)

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 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 neighborhood services and code compliance 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 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;

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

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 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 of this chapter. 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. (Ord. 1974 (part), 2005; Ord. 1961 (part), 2005)

15.24.1612 Dwelling unit registration—Three persons.

The owner of a dwelling unit in an R-5, R-8 and R-10 district, or in Spring Chase PRD No. 1, which was occupied by three unrelated individuals, not including the children of either of them, during the one 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. (Ord. 1961 (part), 2005)

15.24.1620 Determination of functional family.

Upon application of a group of not more than four persons, the department of neighborhood services and code compliance shall make a determination whether a "functional family" exists. Each of the following criteria shall be met:

A. Share a permanent personal bond and commitment to one another;

B. Not dependent upon or supported by someone who does not maintain legal domicile at the particular dwelling unit and reside therein;

C. Maintain legal domicile at the particular dwelling unit;

D. Share a single household budget;

- E. Share in the repair and maintenance of the dwelling unit and its grounds, if any;
 - F. Prepare and eat meals together on a regular basis;
 - G. Share in legal ownership or tenancy of the dwelling unit, as evidenced on a deed or lease.
- (Ord. 1974 (part), 2005; Ord. 1961 (part), 2005)

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 of this title. (Ord. 1961 (part), 2005)

15.24.1640 Violation of occupancy provisions.

If the department of building, 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. (Ord. 1974 (part), 2005; Ord. 1961 (part), 2005)

15.24.1650 Appeals.

Any appeal under this article shall be pursuant to Section 15.24.360 of this chapter, et seq. (Ord. 1961 (part), 2005)

Chapter 15.26

RENTAL OF RESIDENTIAL PREMISES*

Sections:

- 15.26.010 Scope.**
- 15.26.020 Purpose.**
- 15.26.030 Definitions.**
- 15.26.040 Rental dwelling unit registration.**
- 15.26.050 Annual license for rental dwelling unit owners.**
- 15.26.060 Failure to register or obtain license.**
- 15.26.070 Inspection of license.**
- 15.26.080 Transfer.**
- 15.26.090 Inspection of premises.**
- 15.26.100 Administrative search warrant.**
- 15.26.110 Denial, nonrenewal, revocation or suspension of license.**
- 15.26.120 Appeals procedure.**
- 15.26.130 Vacation of affected dwelling units.**
- 15.26.140 Violations—Penalties.**

* Prior ordinance history: Ord. 1899.

15.26.010 Scope.

The provisions of this chapter govern rental dwelling units within the city of Salisbury.
(Ord. 1942 § 1 (part), 2005)

15.26.020 Purpose.

The purpose of this chapter is to protect the public health, safety, and the general welfare of the citizens of the city of Salisbury who have, as their place of abode, a room or rooms furnished to them for payment of a rental charge (including money, services, or other type of consideration) to another. (Ord. 1942 § 1 (part), 2005)

15.26.030 Definitions.

The following definitions shall be used in the construction and interpretation of this chapter:

“Director” means the director of the department of neighborhood services and code compliance.

“Dwelling unit” means a single unit providing living facilities for one or more persons, including permanent provision for living, sleeping and sanitation.

“Person” means any individual, partnership, firm, corporation, association or other legal entity of whatsoever kind and nature.

“Rental” means leasing or allowing occupancy or usage of a dwelling unit, either directly or by an agent, in consideration of value, including personal services, paid or tendered to or for the use or benefit of the lessor. (Ord. 1974 (part), 2005; Ord. 1942 § 1 (part), 2005)

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 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 housing official.

B. All registration fees shall be paid at the time the registration form is filed with the 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.

C. Initial registration of all existing rental dwelling units in R-5, R-8 and R-10 zones in the city shall be complete by April 30, 2004. Initial registration of all other existing rental dwelling units in the city shall be complete by June 30, 2004.

D. Registration of other rental dwelling units shall occur one month after:

1. The rental dwelling unit is annexed into the city;
2. The rental dwelling unit receives a use and occupancy permit;
3. Title to the rental dwelling unit is converted to a new owner;
4. The dwelling unit is converted to rental use.

An owner shall notify the city when a rental dwelling unit is converted to a nonrental use.

(Ord. 1974 (part), 2005; Ord. 1942 § 1 (part), 2005)

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 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 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 housing official. If inaccurate ownership information is provided to the 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.

D. If the legal entity owning a rental dwelling unit is not domiciled in Wicomico County, Maryland, or within a toll-free telephone calling area of Salisbury, Maryland, the legal entity must have a designated agent for service of notice and process by the city, who is either a permanent resident of Wicomico County, Maryland, or within the toll-free telephone calling area of Salisbury, Maryland. The agent shall not be a tenant of the owner. The agent must be an individual who is designated in the owner license application form with the city. If such agent shall resign, fail to be qualified to serve as the agent, or cease to serve in that capacity, then the legal entity shall designate another individual as the agent on the owner license application form within thirty (30) days thereafter. (Ord. 1974 (part), 2005; Ord. 1942 § 1 (part), 2005)

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 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 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 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 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.

D. If a delinquent owner desires to obtain or renew a license pursuant to Section 15.26.050 of this chapter, the owner shall pay a license fee of five hundred dollars (\$500.00) for five consecutive years.

E. If the full amount of any fees due to the city is not paid by the owner within thirty (30) days after billing, the 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. 1974 (part), 2005; Ord. 1942 § 1 (part), 2005)

15.26.070 Inspection of license.

Licenses issued under this chapter shall be made available for inspection upon request by the housing official. (Ord. 1974 (part), 2005; Ord. 1942 § 1 (part), 2005)

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 housing official at least forty-eight (48) hours prior to any transfer of the registered property. The transferee must make application to the housing official and pay the required fee for a transfer of a registration within thirty (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. (Ord. 1974 (part), 2005; Ord. 1942 § 1 (part), 2005)

15.26.090 Inspection of premises.

A. After the city receives a complaint about the code compliance of any rental dwelling unit, the city may inspect the rental 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 rental dwelling unit. The notice shall be sent by mail or by affixing the notice to the rental dwelling unit in a conspicuous location. If the city's inspector shall be denied access to the rental dwelling unit or any part thereof that is appropriate for inspection, the inspector may obtain an administrative search warrant to gain access.

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

C. The first inspection of a rental dwelling unit shall be without payment of a fee. The second inspection and any subsequent inspection shall require the payment of a fee by the owner of the rental dwelling unit pursuant to a fee schedule adopted by resolution of the council from time to time. No reinspection fee will be assessed for the initial reinspection if all repairs are complete.

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 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. 1974 (part), 2005; Ord. 1942 § 1 (part), 2005)

15.26.100 Administrative search warrant.

A. An inspector authorized by the city to inspect any rental dwelling unit may apply to a judge of the District Court of Maryland or the Wicomico County Circuit Court for an administrative search warrant to enter and inspect such rental dwelling unit. The application shall be in writing, signed and sworn to by the inspector, and it shall state or identify: (i) the rental dwelling unit to be inspected by street address and general description, (ii) the nature, scope and purpose of the inspection, and (iii) one or more dates and approximate times when the inspector proposes to conduct the inspection. In addition, the application shall specify the statutory authority for such inspection and the effort of the inspector (or others) to schedule or conduct the inspection and/or to locate the owner(s), tenant(s), or other person(s) in charge of the rental dwelling unit and any other grounds for issuance of the search warrant.

B. A judge of a court referred to in this section may issue the search warrant upon finding that: (i) the inspector is authorized to make the inspection, (ii) a reasonable effort has been made to obtain access to the rental dwelling unit to make the inspection, (iii) the owner(s), tenant(s) or other person(s) in charge of the rental dwelling unit have denied or otherwise failed or refused to furnish access to the rental dwelling unit at a reasonable time or for a reasonable period to conduct the inspection, or the inspector (or others) have been unable to locate any such person(s) after making a reasonable effort to do so, and (iv) if conducted in a reasonable manner, the inspection will not intrude unnecessarily on the privacy of such persons.

C. In the case of random comprehensive inspection pursuant to this chapter, the warrant may be issued regardless of whether the inspector (or others) have knowledge or notice of any violation of applicable codes or regulations or there is probable cause to believe that such violation exists or may exist.

D. An administrative search warrant issued under this section shall be executed and returned to the issuing judge or, in his or her absence, to the clerk of the issuing clerk within: (i) the time specified in the warrant, not to exceed thirty (30) days, or (ii) if no time is specified therein, fifteen (15) days from its date of issuance.

E. This section shall not preclude or affect the power to make prompt inspection without a warrant in emergency situations. (Ord. 1942 § 1 (part), 2005)

15.26.110 Denial, nonrenewal, revocation or suspension of license.

If after any period for compliance of this chapter has expired, the director determines that a rental dwelling unit fails to comply with any of the licensing standards set forth herein, and the director has initiated an action to deny, revoke, suspend, or not renew a registration or license, the director shall mail the owner a notice of denial, nonrenewal, revocation, or suspension of the license. The notice shall state:

A. That the director has determined that the building fails to comply with the licensing standards for rental dwelling units in this chapter;

B. The specific reasons why the building fails to meet licensing standards, including copies of applicable inspection reports, or notices sent to licensee of conduct on licensed premises;

C. That the director will deny, refuse to renew, revoke, or suspend the license unless the owner appeals the determination within fifteen (15) days after receipt of the notice, in the manner provided in Section 15.26.120 of this chapter;

D. That after denial, nonrenewal, 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 housing official;

E. The notice shall describe how an appeal may be filed under Section 15.26.120 of this chapter;

F. The director shall cause a notice to tenants to be mailed or delivered to each registered rental dwelling unit and prominently posted on the building. The notice shall indicate that the rental dwelling unit registration for the building has been denied, revoked, or suspended, whichever is applicable; that the action will become final on a specific date unless the building owner appeals and requests a hearing; that tenants may be required to vacate the building when the action becomes final; that further information can be obtained from the city of Salisbury department of building, housing and zoning. (Ord. 1974 (part), 2005; Ord. 1942 § 1 (part), 2005)

15.26.120 Appeals procedure.

A. Any person wishing to appeal a determination of the housing official of the director recommending denial, nonrenewal, revocation, or suspension of a license shall file a written notice of appeal with the housing official within twenty-one (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).

B. The director shall refer the appeal to the housing board of adjustments and appeals. The board shall meet monthly, or more frequently at the call of the chair, to hear appeals. The board shall notify the owner in writing of the time and place of the hearing.

C. When hearing appeals under this chapter, the board shall follow the procedures set forth in Chapter 15.24 of the Salisbury Municipal Code. (Ord. 1974 (part), 2005; Ord. 1942 § 1 (part), 2005)

15.26.130 Vacation of affected dwelling units.

When an application for rental dwelling license has been denied, or a rental dwelling license has been revoked, suspended, or not renewed, the director shall order the rental dwelling unit vacated, giving tenants a reasonable time to arrange new housing and to move their possessions. (Ord. 1942 § 1 (part), 2005)

15.26.140 Violations—Penalties.

Any person found in violation of the provisions of this chapter shall be guilty of a municipal infraction and shall be subject to a fine not to exceed five hundred dollars (\$500.00) per violation. Each day a violation remains uncorrected is a separate violation subject to an additional citation and fine. (Ord. 1942 § 1 (part), 2005)

Chapter 15.27

PROPERTY MAINTENANCE HABITUAL OFFENDER

Sections:

- 15.27.010 Scope.**
- 15.27.020 Definitions.**
- 15.27.030 Nonrental dwelling units.**
- 15.27.040 Rental dwelling units.**
- 15.27.050 Civil offense.**

15.27.010 Scope.

The provisions of this chapter govern procedures for owners of dwelling units in the city who violate provisions of the Housing Code repetitively in a twenty-four (24) month period. (Ord. 1900 (part), 2004)

15.27.020 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

“Dwelling unit” means a single unit providing living facilities for one or more persons, including permanent provision for living, sleeping and sanitation.

“Habitual offender” means any person owning one dwelling unit, who shall pay a fine assessed by the department of building, housing and zoning or be found guilty of violating Chapter 15.24 or Title 17 on three separate occasions within a twenty-four (24) month period.

“Person” means any individual, partnership, firm, corporation, association or other legal entity of whatsoever kind and nature.

“Rental” means leasing or allowing occupancy or usage of a dwelling unit, either directly or by an agent, in consideration of value, including personal services, paid or tendered to or for the use or benefit of the lessor. (Ord. 1900 (part), 2004)

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 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.

B. After an owner of a nonrental dwelling unit becomes a habitual offender, all fines levied under Chapter 15.24 or Title 17 for the dwelling unit shall be tripled until the habitual offender designation is removed.

C. After completion of five consecutive annual inspections with no violations under Chapter 15.24 or Title 17, then the habitual offender designation shall terminate for that owner of a nonrental dwelling unit. If violations under Chapter 15.24 or Title 17 continue, then the habitual offender designation shall continue for that owner of the nonrental dwelling unit.

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 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. 1974 (part), 2005; Ord. 1900 (part), 2004)

15.27.040 Rental dwelling units.

A. 1. After an owner of a rental dwelling unit becomes a habitual offender, all fines levied under Chapter 15.24 or Title 17 for that dwelling unit shall be tripled until the habitual offender designation is removed.

2. After an owner of a rental dwelling unit becomes a habitual offender, the occupancy of that dwelling unit by unrelated persons shall, in appropriate zones, be permanently reduced to two unrelated persons, not including the children of either of them.

B. 1. A license shall be required for a rental dwelling unit which is the subject of the habitual offender designation for a fee of five hundred dollars (\$500.00). The license and license fee shall be required for five consecutive years, unless the rental dwelling unit changes ownership to a legal entity which is not owned or controlled by the habitual offender and the new owner corrects all violations of Chapter 15.24 or Title 17, or the dwelling unit receives five annual inspections with no violations of Chapter 15.24 or Title 17. The habitual offender designation then terminates for that owner of the rental dwelling unit. If violations under Chapter 15.24 or Title 17 continue, then the habitual offender designation shall continue for that owner of the rental dwelling unit.

2. If violations under Chapter 15.24 or Title 17 continue for one year after the habitual offender designation, then the owner's license under Section 15.26.040 shall be revoked for the subject rental dwelling unit, and the owner shall give sixty (60) days' notice to vacate to the tenants of that rental dwelling unit. Any security deposit shall be returned pursuant to the provisions of Real Property Article, Title 8, Annotated Code of Maryland. The owner of the rental dwelling unit may correct all violations of Chapter 15.24 or Title 17 and after inspection and payment of a one thousand dollars (\$1,000.00) fee to the city, the owner's license for that rental dwelling unit shall be reinstated.

C. The owner of a rental dwelling unit who becomes a habitual offender shall be subject to inside and outside inspection of the dwelling unit by the 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 the 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 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. 1974 (part), 2005; Ord. 1960, 2005; Ord. 1900 (part), 2004)

15.27.050 Civil offense.

Designation as a habitual offender shall be a civil offense and not a criminal offense. (Ord. 1900 (part), 2004)

Chapter 15.28

NUMBERING OF HOUSES AND LOTS

Sections:

- 15.28.010 Adoption of uniform numbering plan for houses and lots.**
- 15.28.020 Maps.**
- 15.28.030 Administration of street-numbering plan.**
- 15.28.040 Ascertainment of correct street number.**
- 15.28.050 Property owner to display correct street number.**

15.28.010 Adoption of uniform numbering plan for houses and lots.

The following uniform plan for the numbering of houses and lots in the city is adopted:

A. East-West Axis. East Main Street, West Main Street (from Division Street to Fitzwater Street) and Fitzwater Street are made the east-west axis from which all streets running in a northerly and southerly direction shall be numbered.

B. North-South Axis. The portion of Salisbury Boulevard running northerly from its intersection with North Division Street, North Division Street and South Division Street are made the north-south axis from which all streets running in an easterly and westerly direction shall be numbered.

C. Assignment of Even Numbers. Even numbers shall be assigned to all properties binding on the west side of all north-south streets and on the south side of all east-west streets.

D. Assignment of Odd Numbers. Odd numbers shall be assigned to all properties binding on the east side of all north-south streets and on the north side of all east-west streets.

E. Numbering of Blocks. The first assigned block, as such blocks are shown and limited on the maps referred to in Section 15.28.020, adjoining the axis streets named in this section shall be designated as the "100 Block," and the second assigned block shall be designated as the "200 Block," etc. (Prior code § 106-1)

15.28.020 Maps.

Two maps of the city, which maps are entitled "Map A—Renumbering Zones of North-South Streets" and "Map B—Renumbering Zones of East-West Streets," each dated January 16, 1952, are on file in the office of the public works director* and represent the basic plan of street numbering. (Prior code § 106-2)

* Editor's Note: See Article X of the Charter.

15.28.030 Administration of street-numbering plan.

The director of public works shall be charged with the duty and responsibility of administering the street-numbering plan set forth in Section 15.28.010. To this end, the director of public works shall have the following powers:

A. To make such changes in the basic plan of street numbering as may be required by reason of the lack of uniformity in the sizes of city blocks, the convergence of streets and the opening of new streets;

B. To assign street numbers to all existing houses, buildings and vacant lots, including all subdivisions of land hereafter made, within the corporate limits of the city. (Prior code § 106-3)

15.28.040 Ascertainment of correct street number.

Each owner of improved property within the city shall ascertain from the director of public works the correct street number to be displayed upon his property as provided in Section 15.28.050. (Prior code § 106-4)

15.28.050 Property owner to display correct street number.

Each owner of any improved property abutting on any public street or lane within the corporate limits of the city shall display the correct street number assigned to each such improved property in such a location on each of such properties so that the street number shall be reasonably distinguishable by any passerby with normal vision. (Prior code § 106-5)

Chapter 15.32

PLUMBING STANDARDS

Sections:

- 15.32.010 Adoption of plumbing code.**
- 15.32.020 Definitions.**
- 15.32.030 Applicability of provisions.**
- 15.32.040 Permit required.**
- 15.32.050 Compliance with installation provisions required.**
- 15.32.060 Installation to be made by registered plumber.**
- 15.32.070 Size of drainpipe.**
- 15.32.080 Traps.**
- 15.32.090 Vents and venting.**
- 15.32.100 Cleanouts.**
- 15.32.110 Granulation specifications.**
- 15.32.120 Water supply—Air gap.**

15.32.010 Adoption of plumbing code.

A. The Maryland State Plumbing/Gas Code—COMAR 09.20.01, which is hereby incorporated by reference, be, and is hereby adopted as the plumbing code of the city of Salisbury in the state of Maryland, for the control of buildings and structures as herein provided, and each and all of the regulations, provisions, penalties, conditions and terms of the Code of Salisbury are hereby referred to, adopted and made a part thereof. The plumbing code so adopted is known as the “Salisbury Practical Plumbing Code 2005.”

B. The following additions and deletions are made to the Maryland State Plumbing/Gas Code:

1. Section 1.10.1 Fees Schedule shall be deleted in its entirety. Plumbing permit fees shall be set by resolution of the council from time to time. (Ord. 2001, 2006: Ord. 1964, 2005)

15.32.020 Definitions.

For the purpose of this chapter, the following words shall have the meanings indicated:

“Food-waste grinder” or “garbage disposal unit” means any device connected with the city sewerage system, which device reduces, by grinding, pulverizing, screening or like process, garbage or food waste, either or both, to smaller units suitable for passage in a sewerage system. (Prior code § 120-3)

15.32.030 Applicability of provisions.

The provisions of this chapter shall govern the installation and use of food-waste grinders or garbage disposal units in the city. (Prior code § 120-4)

15.32.040 Permit required.

Prior to the installation of a food-waste grinder or garbage disposal unit, a permit shall be obtained by the plumber or contractor making such installation in accordance with the regulations as set forth in Section 15.32.010 of this chapter. (Prior code § 120-5)

15.32.050 Compliance with installation provisions required.

The provisions relative to installation of a food-waste grinder or garbage disposal unit, as provided in Section 15.32.010 of this chapter, shall be followed, the purpose of this chapter being further to define certain features of proper installation incident to the type of unit being installed. (Prior code § 120-6)

15.32.060 Installation to be made by registered plumber.

Installation of a food-waste grinder or garbage disposal unit shall be made by a registered plumber as set forth in Section 15.32.010 of this chapter. (Prior code § 120-7)

15.32.070 Size of drainpipe.

Any household kitchen single-compartment sink equipped with a food-waste grinder or garbage disposal unit shall be considered as having a value of three fixture units. For this reason, all food-waste grinders or garbage disposal units shall have a minimum of a one and one-half-inch drain, and all dual grinders or units shall have a minimum of a two-inch drain. (Prior code § 120-8)

15.32.080 Traps.

All food-waste grinders or garbage disposal units installed under this chapter shall each have an independent trap not less than one and one-half (1 1/2) inches in size. In two-compartment sinks where one compartment is equipped with a food-waste grinder or garbage disposal unit, each compartment shall be equipped with an individual trap not less than one and one-half (1 1/2) inches. (Prior code § 120-9)

15.32.090 Vents and venting.

When a food-waste grinder or garbage disposal unit is installed, all household kitchen sinks with double or single compartments shall have a protecting vent so located that the developed length, i.e., the length along the center line of the pipe and fittings, of the drain from the trap weir to the vent fitting is not more than five feet. If the developed length exceeds five feet, there shall be a back vent in compliance with Section 15.32.010 of this chapter. (Prior code § 120-10)

15.32.100 Cleanouts.

When a food-waste grinder or garbage disposal unit is installed, a suitably located cleanout shall be required in the drain line from the sink to the main waste stack. Such cleanout shall be installed so that the entire waste drain from the sink to the main waste stack may be properly cleaned. (Prior code § 120-11)

15.32.110 Granulation specifications.

A. All household food-waste grinders or garbage disposal units installed under this chapter shall comply with the following granulation specifications:

Allowable Percentage to be Retained on Screen	Screen Size			Remarks
	Number	Inches	Millimeters	
0		1/2	12.70	Maximum allowable size
25	3		6.35	
80	40		0.42	No more than 20% shall pass No. 40 screen

B. The granulation characteristics as stated by the manufacturer must be filed with and accepted by the plumbing inspector prior to the installation of any food-waste grinder or garbage disposal unit of that particular manufacturer. (Prior code § 120-12)

15.32.120 Water supply—Air gap.

All household food-waste grinders or garbage disposal units installed under this chapter shall be installed in a manner that will assure a positive supply of water to the unit during the grinding, shredding, pulverizing or screening process. The source of water to the unit shall be such that a positive air gap exists between that unit and the source of water supply. (Prior code § 120-13)

Chapter 15.36

TRAILERS

Sections:

- 15.36.010 Definitions.**
- 15.36.020 Use of trailer as residence prohibited.**
- 15.36.030 Special permit required for certain uses—Fee—Violations and penalties.**
- 15.36.040 Exceptions.**

15.36.010 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

“Trailer” means a portable structure commonly known as a “house trailer” or any structure built or constructed in such a manner as to be equipped with wheels or capable of being equipped with wheels for the purpose of being moved readily from place to place, but not including the type of trailer or van customarily used with a tractor for hauling or freight-carrying purposes. (Prior code § 142-1)

15.36.020 Use of trailer as residence prohibited.

It is unlawful for any person to use a trailer as a place of habitation in the city. (Prior code § 142-2)

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 of building, 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 (30) 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.

B. The fee for each such permit shall be twenty-five dollars (\$25.00) and shall be paid to the director of internal services.

C. It is unlawful for any person to use any trailer for any such occasional or temporary purpose without first obtaining such special permit. Upon conviction thereof, such person shall be deemed guilty of a misdemeanor and shall be fined not in excess of twenty-five dollars (\$25.00) for each such violation.

D. Violations of this chapter shall be tried before the judge of the district court for the county, who shall have authority to fix amounts of collateral to be posted by persons charged with such violations in order to insure their appearance for trial; provided, that such amounts shall not exceed the maximum fine prescribed in this section; and provided further, that all such collateral thus posted shall be forfeited if the person posting it shall fail to appear for trial. All such penalties and forfeitures imposed, fixed or declared by the judge of the district court for the county shall be disposed of in accordance with Section 104 of Article 52 of the Maryland Code Annotated (1957 Edition) and, upon receipt thereof by the director of internal services, shall be credited by him to the general fund of the city. (Ord. 1992 (part), 2006: Ord. 1974 (part), 2005: prior code § 142-3)

15.36.040 Exceptions.

The provisions of this chapter shall not apply to trailers used for construction purposes or trailers used as temporary shelters by charitable or nonprofit organizations conducting special drives or sales for charitable purposes lasting not longer than thirty (30) days. (Prior code § 142-4)