

**ORDINANCE NO. 2360**

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 15.24 HOUSING STANDARDS OF THE SALISBURY CITY CODE TO CHANGE BUILDING OFFICIAL TO HOUSING OFFICIAL AND TO CHANGE BOCA MECHANICAL CODE TO NATIONAL FUEL GAS CODE AND TO OTHERWISE CORRECT PORTIONS OF THE TEXT.

WHEREAS, the ongoing application, administration and enforcement of the Salisbury Municipal Code, demonstrates a need for periodic review, evaluation and amendment; and

WHEREAS, Chapter 15.24 Housing Standards, of the Salisbury City Code currently identifies the building official instead of the housing official; and

WHEREAS, the housing official is the appropriate official for the Housing Standards section of the City Code; and

WHEREAS, by correcting this title, the Department of Neighborhood Services and Code Compliance will not have to forward cases to the Department of Building, Permitting and Inspections; and

WHEREAS, subsection 15.24.1090B incorrectly refers to the BOCA Mechanical Code and needs to be corrected to reflect to proper code reference of National Fuel Gas Code.

NOW, THEREFORE, be it enacted and ordained by the City Council of the City of Salisbury, that the following sections of Chapter 15.24 of the City of Salisbury City Code, be amended as follows:

## ARTICLE VII VACANT BUILDINGS 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 building housing official. No noncomplying structure may be left vacant longer than six months. The City may at that time exercise condemnation 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 ~~city treasurer~~ and shall be collectible as are taxes.
- C. Each exterior door, window and opening of any vacant building shall be firmly secured and locked. Should a structure become accessible and/or a nuisance by virtue of having windows or doors repeatedly left opened and/or unlocked, they shall be firmly secured by covering the opening with plywood or other approved material. Approved material used to cover unsecured openings shall fit the openings squarely, and shall be surface coated to match the exterior house trim. No structure shall be permitted to be boarded up for any period of time in excess of six months unless fully justified by the owner in writing to the building housing official stating why and for what period of time the structure

should be permitted to remain boarded up. Any structure condemned in accordance with Section 15.24.280, which has been boarded up for a period of time exceeding six months, and has not been justified by the owner in writing to the ~~building~~ housing official, may be issued a one hundred dollar (\$100.00) citation for the first day of noncompliance and a two hundred dollar (\$200.00) citation for each day thereafter that the violation continues.

#### Article VIII – Unsafe Structures and Equipment

##### 15.24.280 – General

C. Structures Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the ~~building~~ housing 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.

##### 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~~ housing 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~~ housing official shall cause the premises to be closed through any available public agency or by contract or arrangement ~~by~~with 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.

#### 15.24.300 – Notice.

Whenever the building housing official has condemned a structure or equipment under the provisions of this chapter, notice shall be posted in a conspicuous place on or about the structure affected by such notice and served on the owner, agent, person or persons responsible for the structure or equipment in accordance with Section 15.24.200. The notice shall be in the form prescribed in Section 15.24.190 and shall advise the owner of the requirements of Chapter 15.22 and Section 15.24.325 herein.

#### 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 housing official stating that the dwelling is in compliance with this chapter or any other existing law or ordinance.

#### 15.24.325 – Plan for rehabilitation.

Within sixty (60) days after notice that the buildinghousing official has condemned a structure, the owner shall submit a plan to bring the property into compliance with the provisions of the building code. The plan should include the following:

- A. A detailed description of the work to be performed;
- B. The name and address of the person who will perform the work; and
- C. A timetable for completion of the work.

#### Article IX – Demolition

##### 15.24.330 – General.

The ~~building~~housing official shall order the owner of any premises upon which is located any structure which is so dilapidated, so out of repair as to be dangerous, that it has been designated unfit for human habitation, unsafe, unsanitary, has been condemned, 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 repair may be satisfied by demolition.

#### Article XIX – Boarding Houses

##### 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~~housing official.

#### Article XXI – Plumbing Facilities and Fixture Requirements

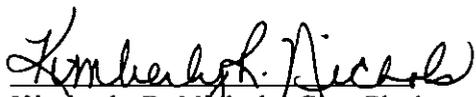
##### 15.24.1090 Plumbing fixtures.

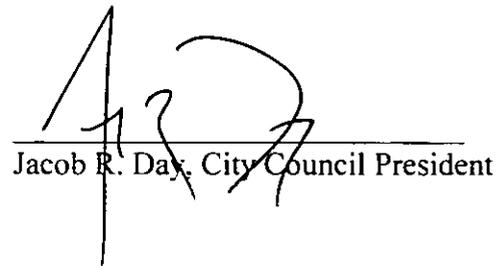
B. Appliances. All gas (natural and propane) appliances shall be installed and maintained in accordance with the ~~BOCA Mechanical Code~~ National Fuel Gas Code.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the Ordinance shall take effect upon final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 26 day of October, 2015 and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the 9 day of November, 2015.

ATTEST:

  
Kimberly R. Nichols, City Clerk

  
Jacob R. Day, City Council President

Approved by me, this 16<sup>th</sup>  
day of November, 2015.

  
James Iyeton, Jr., Mayor

# Memo

**To:** Julia Glanz  
**From:** Susan Phillips  
**Date:** 11/10/2015  
**Re:** Revisions to 15.24.270 Building/Housing Official

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Attached please find an ordinance that will have the effect of amending Chapter 15.24.

Currently, this chapter incorrectly refers to the building official instead of the housing official in multiple places throughout the code. Currently because of the needed change in subsection 15.24.270C, Neighborhood Services & Code Compliance is having to forward some cases to the Department of Building, Permits & Inspections to enforce. This change will streamline enforcement.

In addition, subsection 15.24.1090B incorrectly refers to the BOCA Mechanical Code and needs to be corrected to reflect the proper code reference of the National Fire Gas Code.

Unless you have any questions please forward this memorandum to the Mayor and City Council.