

# City of Salisbury



MARYLAND

## **SALISBURY CITY COUNCIL WORK SESSION AGENDA**

-----

**NOVEMBER 17, 2014  
COUNCIL CHAMBERS, ROOM 301  
GOVERNMENT OFFICE BUILDING**

- 5:00 p.m. EMS Billing Rate Review and Recommendation – Chief Hoppes
- 5:30 p.m. Main Street Masterplan Review – Amanda Pollack
- 6:00 p.m. Parking Restriction on Pinehurst Avenue – Amanda Pollack
- 6:15 p.m. Fitzwater Street Corridor MOU with Osprey Builders – Council discussion
- 6:30 p.m. Bed & Breakfast Inns – Council discussion
- 7:00 p.m. False Alarms/ECV – Tom Stevenson
- 7:15p.m. Over Occupancy Issues in Neighborhoods – Susan Phillips/Mark Tilghman
- 7:30 p.m. Motion to convene in Closed Session as permitted in the Annotated Code of Maryland §10-508(a)(3)(7)(14)

*Times shown are approximate. Council reserves the right to adjust the agenda as circumstances warrant.  
The Council reserves the right to convene in Closed Session as permitted under the Annotated Code of Maryland 10-508(a).*



*From the Office  
of the  
Fire Chief*

**To:** Tom Stevenson, City Administrator

**Date:** 04 November 2014

**From:** Richard A. Hoppes, Chief of the Department

**Subject:** EMS Billing Rates Review and Recommendation

We have completed a review of our established EMS billing rates to determine if adjustments are needed. The following recommendations are based on reasonable and customary EMS ambulance rates as it relates to allowable Medicare and insurance best practices as provided by our billing company.

The City has established, through resolution, a fee/charges schedule and it is anticipated that this review will necessitate a similar promulgation for Council consideration if the recommendations are accepted. Below you will find a comparison table for your consideration regarding our suggestions towards the establishment of new EMS billable rates. These recommendations follow suggestions from our billing company's review of rates and what is currently allowable following reasonable and customary practices and their experience.

Fee / Charge	Resident / Non-resident	Current Rates	Proposed Rates
BLS Base Rate	Resident	431.00	500.00
	Non-Resident	431.00	575.00
ALS 1 Emergency Rates	Resident	546.00	650.00
	Non-resident	546.00	750.00
ALS 2 Emergency Rates	Resident	741.00	775.00
	Non-resident	741.00	875.00
Mileage	Resident	11.80	13.00
	Non-resident	11.80	13.50
Oxygen		0.00	60.00
Spinal immobilization		0.00	120.00
BLS On-scene Care		0.00	175.00
ALS On-scene Care	Resident	0.00	450.00
	Non-resident	0.00	550.00

**This is a Department Specific Communication Intended for Internal Use Only  
Unauthorized Use is Strictly Prohibited**

Attached please find the recommendation from our billing company which more comprehensively explains the request to revise our fees/charges. The billing company has provided an estimate on the financial impact the recommended changes may have on the City's anticipate revenue generated from EMS billing. Their analysis is that incorporating these changes could increase revenue by as much as \$646,745.60 gross and a net cash flow of \$252,696.44 (40% collection rate) with a 20% margin for error based on calculation of average collection rates to reflect allowances for Regulated Insurance Companies and Bad Debt Adjustments (uncollectible). It is our belief that these estimates are low based on the lack of calculating the new charges for services previously not reported or measured.

It is our recommendation that the City adjust its fees/charges as proposed herein to take advantage of reasonable and customary allowances from Medicare and all other insurance companies. A draft resolution to this effect is attached should you look kindly on this request. Unless the Mayor has further questions, please advance this memorandum to the City Council. As always feel free to contact me with any questions you may have at 410-548-3120 X 103 or at [rhoppes@ci.salisbury.md.us](mailto:rhoppes@ci.salisbury.md.us) .

1 RESOLUTION NO. \_\_\_\_\_

2  
3  
4 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALISBURY,  
5 MARYLAND ESTABLISHING RATES FOR EMERGENCY MEDICAL SERVICES.  
6

7 WHEREAS, the City of Salisbury provides emergency medical treatment and transport  
8 services; and  
9

10 WHEREAS, the City bills patients for their use of emergency medical services; and  
11

12 WHEREAS, the City desires to establish rates for emergency medical services as is  
13 permitted by Medicare and all other insurance providers;  
14

15 NOW, THEREFORE IT BE RESOLVED that the City of Salisbury hereby establishes  
16 and adopts the rates for the provision of emergency medical services as follows:  
17

- 18 1. BLS Base Rate for City Residents shall be \$500.00
- 19 2. BLS Base Rate for Non-City Residents shall be \$575.00
- 20 3. ALS 1 Emergency Rates for Non-City Residents shall be \$650.00
- 21 4. ALS 1 Emergency Rates for Non-City Residents shall be \$750.00
- 22 5. ALS 2 Emergency Rates for City Residents shall be \$775.00
- 23 6. ALS 2 Emergency Rates for Non-City Residents shall be \$875.00
- 24 7. Mileage rate for City Residents shall be \$13.00 for every loaded mile
- 25 8. Mileage rate for Non-City Residents shall be \$13.50 for every loaded mile
- 26 9. Oxygen charge for all patients needing this treatment shall be \$60.00
- 27 10. Spinal Immobilization charge for all patients needing this treatment shall be \$120.00
- 28 11. BLS On-scene care rate for response to a call where treatment is provided and the patient  
29 refuses transport and/or is simply not transported shall be \$175.00
- 30 12. ALS On-scene care rate for City Residents shall be \$450.00
- 31 13. ALS On-scene care rate for Non-City Residents shall be \$550.00  
32

33 THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the  
34 Council of the City of Salisbury, Maryland held on Monday, \_\_\_\_\_, and is to  
35 become effective immediately upon adoption.  
36

37 ATTEST:

38  
39 \_\_\_\_\_  
40 Kimberly Nichols  
41 CITY CLERK  
42

\_\_\_\_\_

Jacob R. Day  
PRESIDENT, CITY COUNCIL

43 \_\_\_\_\_  
44 James Ireton, Jr.  
45 MAYOR, CITY OF SALISBURY  
46

47  
48 Approved this \_\_\_th day of \_\_\_\_\_ 2014.



## City of Salisbury EMS 2014 Rate Survey

Description Charge	Lincoln Fire & Rescue EMS Level of Service: EMT-P	West Allis Fire Department Level of Service: EMT-P	Wausau Fire Department Level of Service: EMT-P	Oshkosh Fire Department Level of Service: EMT-P	Medic EMS Level of Service: EMT-PS	Coral Springs Fire Department Level of Service: EMT-P	City of Salisbury EMS Level of Service: EMT-P	Average	Database Average
BLS - Resident	\$ 516.00	\$500.00	\$575.00	\$550.00	\$495.00	\$484.00	\$431.00	\$507.29	\$508.53
BLS - Non Resident	\$ 516.00	\$600.00	\$750.00	\$650.00	\$495.00	\$484.00	\$431.00	\$560.86	\$587.37
ALS1 - Resident	\$ 823.00	\$687.49	\$650.00	\$650.00	\$650.00	\$546.00	\$546.00	\$650.36	\$663.20
ALS1 - Emergency	\$ 823.00	\$812.21	\$850.00	\$750.00	\$650.00	\$546.00	\$546.00	\$711.03	\$764.05
ALS2 - Resident	\$ 916.00	\$791.93	\$725.00	\$700.00	\$895.00	\$696.00	\$741.00	\$780.70	\$793.86
ALS2 - Non Resident	\$ 916.00	\$936.94	\$950.00	\$800.00	\$895.00	\$696.00	\$741.00	\$847.85	\$879.48
Mileage - Resident	\$ 15.60	\$ 14.00	\$ 13.50	\$ 15.00	\$ 13.50	\$ 10.91	\$ 11.80	\$ 13.47	\$12.92
Mileage - Non Resident	\$ 15.60	\$ 14.00	\$ 15.00	\$ 15.00	\$ 13.50	\$ 10.91	\$ 11.80	\$ 13.69	\$12.92
Oxygen	N/S/R	\$ 70.00	\$ 65.00	\$ 55.00	N/S/R	N/S/R	N/S/R	\$ 63.33	\$53.56
Spinal Immobilization	N/S/R	\$100.00	\$150.00	\$125.00	N/S/R	N/S/R	N/S/R	\$125.00	\$120.83
BLS On Scene Care	N/S/R	\$150.00	\$225.00	\$250.00	N/S/R	N/S/R	N/S/R	\$208.33	\$172.20
ALS On Scene Care - Resident	\$ 414.00	\$129.79	\$625.00	\$500.00	\$195.00	N/S/R	N/S/R	\$372.76	\$486.33
ALS On Scene Care - Non Res.	\$ 414.00	\$177.45	\$825.00	\$550.00	\$195.00	N/S/R	N/S/R	\$432.29	\$571.34

N/S/R- No Specific Rate Provided  
N/C- No Charge

## City of Salisbury EMS Recommended Rates

<u>BLS Base Rate</u>	<u>Current</u>	<u>Recommendation</u>
➤ Resident	\$ 431.00	<b>\$ 500.00</b>
➤ Non-Resident	\$ 431.00	<b>\$ 575.00</b>
▪ Non-Resident rates are reimbursed by virtually all-private insurance companies.		

**ALS1 Emergency Rates** – ALS1 Base Rate would be charged when it is medically necessary or an assessment by an advanced life support (ALS) provider is given and does one or more ALS interventions.

➤ Resident	\$ 546.00	<b>\$ 650.00</b>
➤ Non-Resident	\$ 546.00	<b>\$ 750.00</b>
▪ Non-Resident rates are reimbursed by virtually all-private insurance companies.		

**ALS2 Base Rates** – ALS2 Base Rate would be charged when it is medically necessary to administer at least three different medications by intravenous push/bolus or continuous infusion or provide one or more of the following ALS procedures; manual defibrillation/cardioversion, endotracheal intubation, central venous line, cardiac pacing, chest compression, surgical airway, intraosseous line.

➤ Resident	\$ 741.00	<b>\$ 775.00</b>
➤ Non-Resident	\$ 741.00	<b>\$ 875.00</b>

**Mileage** – Charges for mileage must be based on loaded mileage only, from the pickup of a patient to arrival at the destination. The difference between the two recorded odometer readings should always be rounded up. Any portion of a mile will be billed as a fractional mile.

➤ Resident	\$ 11.80	<b>\$ 13.00</b>
➤ Non-Resident	\$ 11.80	<b>\$ 13.50</b>

<u>Procedures</u>	<u>Current</u>	<u>Recommendation</u>
➤ Oxygen <ul style="list-style-type: none"> <li>▪ Oxygen is a reimbursable charge that is paid by virtually every insurance company.</li> </ul>	\$ 0.00	<b>\$ 60.00</b>
➤ Spinal Immobilization <ul style="list-style-type: none"> <li>▪ This is payable except in the case of Medicare and Medical Assistance patients.</li> <li>▪ Primarily this is covered by Auto Insurance carriers with a high success rate for reimbursement.</li> </ul>	\$ 0.00	<b>\$ 120.00</b>
➤ All other procedures should be included as part of the base rate.		

**BLS On Scene Care** – This is charged when your service responds to a call, provides treatment, and the patient refuses transport and/or is simply not transported.

➤ Any Residence	\$ 0.00	<b>\$ 175.00</b>
-----------------	---------	------------------

**ALS On Scene Care** – This is charged when your service responds to a call, provides treatment including an ALS assessment or at least one ALS intervention. The rate should equal the ALS base rate because of the level of service given, example being, treating a diabetic who then does not require transport.

➤ Resident	\$ 0.00	<b>\$ 450.00</b>
➤ Non-Resident	\$ 0.00	<b>\$ 550.00</b>

**Reminder** – By increasing your rates; with insurance companies, your service's approved reimbursable rates should increase.

Yes, we would like to adopt the recommended rates effective \_\_\_\_\_, 2014.

No, we would not like to adopt the recommended rates.

Yes, we would like to adopt the rates with the changes we have indicated, effective \_\_\_\_\_, 2014.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

[www.lifequest-services.com](http://www.lifequest-services.com)

## City of Salisbury EMS 2014 Financial Impact Summary

Item Increased	Approximate Billed in One Year Period*	Amount of Increase	Projected Revenue
BLS Base Rate - Resident	2045	\$69.00	\$141,105.00
BLS Base Rate - Non Resident	1993	\$144.00	\$286,992.00
ALS1 Base Rate - Resident	1993	\$104.00	\$207,272.00
ALS1 Base Rate - Non Resident	0	\$204.00	\$0.00
ALS2 Base Rate - Resident	41	\$34.00	\$1,394.00
ALS2 Base Rate - Non Resident	0	\$134.00	\$0.00
Mileage - Resident	8316	\$1.20	\$9,979.20
Mileage - Non Resident	2	\$1.70	\$3.40
Oxygen	0	\$60.00	\$0.00
Spinal Immobilization	0	\$120.00	\$0.00
BLS On Scene Care	0	\$175.00	\$0.00
ALS On Scene Care - Resident	0	\$450.00	\$0.00
ALS On Scene Care - Non Resident	0	\$550.00	\$0.00
<b>Total Estimated Increase in Charges</b>			<b>\$646,745.60</b>
<b>Estimated Budget Figure Increase**</b>			<b>\$252,696.44</b>

\* Due to the impact of the Medicare Fee Schedule, these numbers do not include the estimated 52% of your patients that have Medicare and Medicaid type payors.

\*\* For budget purposes, revenue is calculated at an average collection rate to reflect allowances for Regulated Insurance Companies and Bad Debt Adjustments (uncollectible).

**Reminder:** Revenue is directly proportionate to the number of billable transports and payor mix experienced by your ambulance service as well as the documentation provided by your service to LifeQuest. This number may fluctuate as much as 20% annually.

[www.lifequest-services.com](http://www.lifequest-services.com)

# City of Salisbury



JAMES IRETON, JR.  
*MAYOR*

M. THOMAS STEVENSON, JR.  
*CITY ADMINISTRATOR*

TERENCE ARRINGTON  
*ASSISTANT CITY ADMINISTRATOR*

125 NORTH DIVISION ST., RM 202  
SALISBURY, MARYLAND 21801  
Tel: 410-548-3170  
Fax: 410-548-3107

MICHAEL S. MOULDS, P.E.  
*DIRECTOR OF PUBLIC WORKS*

**MARYLAND**

To: Thomas Stevenson, Jr., City Administrator  
From: Michael Moulds, Director of Public Works  
Date: October 6, 2014  
Re: Pinehurst Avenue – no parking

---

On May 27, 2014, the Chairman of the Traffic and Safety Advisory Committee sent an email to the Mayor which recommended that parking be eliminated on Pinehurst Avenue between Camden Avenue and Lorecrop Avenue. The email is attached. The issue was discussed by the Committee due to a perceived safety concern created by narrow traffic lanes and vehicle parking. The concerns of the narrow street include access by emergency vehicles and sight lines for residents pulling out of their driveways.

Pinehurst Avenue is 25 feet wide and consists of two – 8 ½ foot travel lanes and one – 8 foot parking lane. Parking is on the south side of Pinehurst Avenue between Camden Avenue and Smith Street, and on the north side between Smith Street and Lorecrop Avenue. The City typical street section provides for eleven foot travel lanes and nine foot parking lanes, per Federal Highway Administration guidelines. Traffic counts were performed for a week in April by the Traffic Division. Salisbury University was in session during the counts. Most of the traffic occurs in the afternoon with the peak traffic occurring between 3:00 pm and 8:00 pm. There is at least twice as much traffic going westbound than eastbound. The Committee reviewed this data and did not feel that recommending a one way street way feasible due to the volume of traffic in each direction. Attached the committee meeting minutes from May 14, 2014.

Parking on Pinehurst Avenue is utilized primarily by Salisbury University students. SU Facilities staff was consulted about the recommendation and is in support of eliminating parking on side streets around the University. However, it was noted that there are major capital improvements projects under construction on campus from now until June 2016 that impact the parking capacity on campus.

Attached for Council consideration is an Ordinance to create a No Parking zone on Pinehurst Avenue. The recommended timing of the change will coincide with the start of the winter semester at Salisbury University, which begins on January 5, 2015.

Unless you or the Mayor have further questions, please forward a copy of this memo and the ordinance to the City Council.

# City of Salisbury



MARYLAND



125 NORTH DIVISION STREET  
SALISBURY, MARYLAND 21801  
Tel: 410-548-3170  
Fax: 410-548-3107

MICHAEL S. MOULDS, P.E.  
DIRECTOR OF PUBLIC WORKS

JAMES IRETON, JR.  
MAYOR

M. THOMAS STEVENSON, JR.  
CITY ADMINISTRATOR

TERENCE ARRINGTON  
ASSISTANT CITY ADMINISTRATOR

## Traffic and Safety Advisory Committee Meeting Minutes

The regular meeting of the Traffic and Safety Advisory Committee was held on Wednesday, May 14, 2014 at 5:30 pm at Fire Department No. 16 on Cypress Street in Salisbury. Those in attendance were:

### Members:

Tom Welsh	Committee Chairman (Term Expires 7/15)
Tom Ayd	Committee Vice-Chairman (Term Expires 7/14)
Mary Buffington	Committee Member (Term Expires 7/15)
Matt Drew	Committee Member (Term Expires 7/14)
Jennifer Underwood	Committee Member (Term Expires 7/15)

### Support Staff:

Bill Sterling	Department of Public Works
Ray Birch	Department of Public Works
Paul Mauser	Department of Public Works
Amanda Pollack	Department of Public Works

### Items discussed included:

1. The agenda was approved with no modifications.
2. The minutes of the March 12, 2014 meeting were approved with no changes.
3. Mauser presented the plans for the Bikeways Grant Phase 2, which includes improvements to the bike lanes on Riverside Drive from College Avenue to Mill Street, and new shared lanes on South Boulevard from Camden to Riverside. The design has been resubmitted to MDOT. One round of comments have been addressed. The grant agreement and creation of the lanes will be presented to Council in June at a work session.
4. The grant includes the installation of five bike racks. The proposed locations are: Chamber of Commerce, Post Office on Main Street, east side of Government Office Building, States Attorney's Office, and the Shore Transit Stop on Circle Avenue. The location are all on public properties. Bike-SBY recently obtained a grant to install six bike racks on private properties.

5. After a review of the plans, the Committee offered the following suggestions:
  - a. At the work session, discuss creating a no parking area along the Riverside Drive dedicated bike lanes. If this is desirable, ask MDOT if the no parking signs are grant eligible.
  - b. Ask MDOT if directional arrows can be added to the Phase 1 bike lanes with this grant.
  - c. Can we use green bike lane thermoplastic symbols for the first symbol in each direction on Riverside Drive, similar to what was done on Camden Avenue?
6. Birch presented the traffic counts on Pinehurst Avenue. The predominant travel direction is westbound. At Smith Street, Pinehurst Avenue is 25 feet wide with an 8 foot wide parking lane. Between Camden Avenue and Smith Street there is parking on the south side. Between Smith Street and Lorecrop there is parking on the north side. There is two-way traffic with 8 ½ foot travel lanes. Based on observations of the Committee members that live in or travel thru this area, it appears that the parking is primarily composed of SU commuter students.
7. The Committee discussed improving safety on Pinehurst Street in the blocks where the width is narrow (from Camden to Lorecrop). The current issues of the narrow street include access by emergency vehicles and sight lines for residents pulling out of their driveways. Ayd made a motion that was seconded by Drew to recommend no on-street parking on Pinehurst Avenue from Camden Avenue to Lorecrop Drive. The Committee unanimously approved. Welsh to send a letter to the Mayor and Public Works Director with a copy to Council.
8. Legislation to create a Bicycle and Pedestrian Advisory Committee was presented to Council at the May 5<sup>th</sup> work session and will be discussed at the May 27<sup>th</sup> legislative session.

The next regular meeting is scheduled for **Wednesday, June 11, 2014** at 5:30 pm.

If you have any corrections to these minutes, please notify the writer within ten (10) days.

Sincerely,  
Amanda Pollack, P.E.  
Deputy Director  
Salisbury Public Works

## Amanda Pollack

---

**From:** Tom Welsh <tom@welshtlc.com>  
**Sent:** Tuesday, May 27, 2014 8:54 AM  
**To:** James Ireton; Michael Moulds  
**Cc:** Shanie Shields (AOL); Jacob Day; Laura Mitchell (Personal); Terry Cohen; Tim Spies (Cavtel); 'Don Coleman'; 'Heather Towers'; 'Jennifer Downing'; 'Mary Creamer'; 'Matt Drew'; tom@davidlayfield.com; tom@welshtlc.com; Amanda Pollack; Bill Sterling; Ray Birch  
**Subject:** Salisbury Traffic and Safety Advisory Committee Recommendation for Pinehurst Avenue

May 27, 2014

City of Salisbury  
125 North Division Street  
Salisbury, MD 21801

Attn: James Ireton, Jr., Mayor  
Michael Moulds, P.E., Director of Public Works

Re: Parking on Pinehurst Avenue

Dear Mayor Ireton and Director Moulds,

In response to a citizen query, the Salisbury Traffic and Safety Advisory Committee undertook a study of Pinehurst Avenue between Camden Avenue and Lorecrop Avenue. At issue is a perceived safety concern created by narrow traffic lanes and vehicle parking.

At Smith Street, Pinehurst Avenue is 25 feet wide with an 8 foot wide parking lane. Between Camden Avenue and Smith Street there is parking on the south side. Between Smith Street and Lorecrop there is parking on the north side. There is two-way traffic with 8 ½ foot travel lanes. Based on observations of the Committee members that live in or travel thru this area, it appears that the parking is primarily composed of SU commuter students. The current issues of the narrow street include access by emergency vehicles and sight lines for residents pulling out of their driveways.

A recommendation to restrict traffic to one-way was considered. Traffic counts collected by Public Works show the predominate flow of traffic westbound. It was felt that restricting traffic to one-way would channel traffic through nearby residential neighborhoods. This option was rejected by the committee.

Therefore, it is the unanimous recommendation of the committee that all parking on Pinehurst Avenue between Lorecrop and Camden be eliminated. It should be noted that parking between Lorecrop and Salisbury Blvd (US 13) is already restricted.

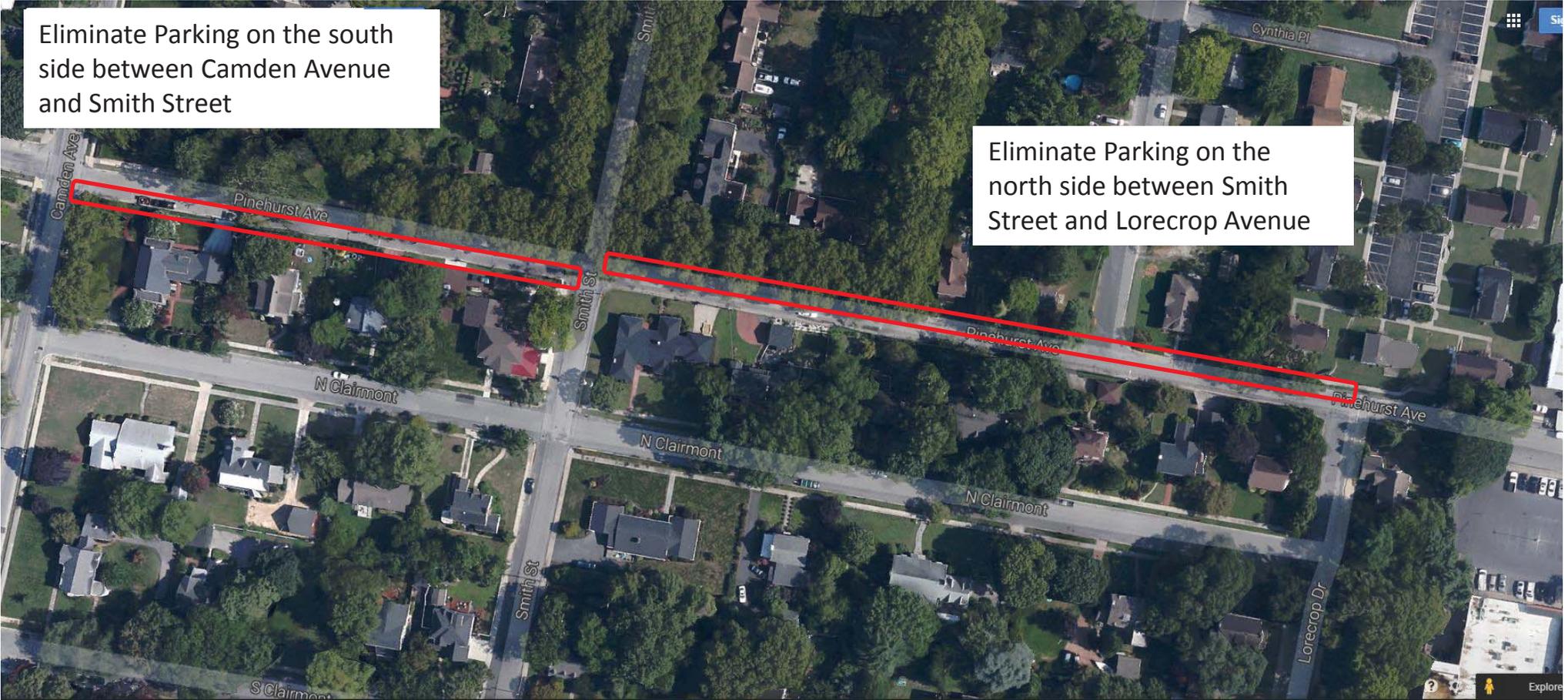
Respectfully submitted,

Tom Welsh, Chairman  
Salisbury Traffic and Safety Advisory Committee

Pinehurst Avenue  
No Parking Exhibit

Eliminate Parking on the south side between Camden Avenue and Smith Street

Eliminate Parking on the north side between Smith Street and Lorecrop Avenue





---

INTER

OFFICE

# MEMO

---

## *OFFICE OF THE MAYOR*

**To:** City Council  
**Cc:** Terence Arrington, Assistant City Administrator  
**From:** Tom Stevenson  
**Subject:** Fitzwater Street Corridor MOU with Osprey Builders  
**Date:** November 10, 2014

---

Attached for discussion with City Council is a contract between Osprey Property Company, LLC, and the City of Salisbury, MD.

Osprey Property Company, LLC, is the Developer constructing a development to operate rental housing for individuals with low to moderate income. The development is known as Rivers Edge located at Fitzwater Street. The Developer wishes to contribute \$10,000.00 to the cost of improvements along Fitzwater Street pursuant to the terms and specifications of the Main Street Masterplan. The city wishes to accept the proposed contribution from Rivers Edge and expend the funds contributed by the developer on streetscape improvements along Fitzwater Street.

The City of Salisbury is currently under contract with A. Morton Thomas & Associates, Inc. for the development of Main Street Masterplan to achieve uniform streetscape and improved appearance of city streets. The city and developer anticipate the Main Street Masterplan will include intersections which emphasize transition to the waterfront, rhythmic tree and lighting patterns, and increased trees and landscaping.

This discussion is to determine whether the Developer's streetscape improvements adheres to the Main Street Masterplan. In addition, further discussion of whether the City of Salisbury should encourage property owners and developers along the Fitzwater Street corridor to contribute funds prior to completion of the Main Street Masterplan.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37

RESOLUTION No. \_\_\_\_\_

A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND ACCEPTING  
OSPREY PROPERTY COMPANY, LLC’S CONTRIBUTION TO  
STREETSCAPE IMPROVEMENTS TO FITZWATER STREET CORRIDOR

**WHEREAS**, the Developer, Osprey Property Company, LLC, is constructing a development to operate rental housing for artists and individuals with low to moderate incomes, known as Rivers Edge located at Fitzwater Street (“the Project”); and

**WHEREAS**, the City is currently under contract with A. Morton Thomas & Associates, Inc. for the development of Main Street Masterplan to achieve uniform streetscape and improved appearance of the City’s streets; and

**WHEREAS**, the Developer wishes to contribute to the cost of such improvements to be made pursuant to the terms and specifications of the anticipated Main Street Masterplan, when adopted by the City; and

**WHEREAS**, the Developer and the City wish to encourage other property owners and developers along the Fitzwater Street corridor to contribute funds prior to the completion of the Main Street Masterplan; and

**WHEREAS**, the City wishes to accept the proposed contribution and agrees to expend the funds contributed by Developer on streetscape improvements along Fitzwater Street in the vicinity of Rivers Edge pursuant to the terms and specifications of the Main Street Masterplan, as it is approved by the City; and

**WHEREAS**, the City and Developer anticipate that the Main Street Masterplan will include intersections which emphasize transition to the waterfront, rhythmic tree and lighting patterns, and increased trees and landscaping.

**NOW, THEREFORE BE IT RESOLVED** that the Council of the City of Salisbury, Maryland does hereby accept the \$10,000.00 contribution of Osprey Property Company, LLC, for the cost of streetscape improvements, the City agrees to expend those funds for streetscape improvements to be made along the Fitzwater Street corridor in the vicinity of Rivers Edge pursuant to the Main Street Masterplan, currently under development, according to the specifications and terms of that plan as it is finally adopted by the City, and the Mayor is authorized to execute such agreements as are necessary to finalize the intent of this Resolution, without additional cost to the City. An approved form of Agreement, subject to any recommended changes by the City Solicitor, is attached hereto as Exhibit A.

THIS RESOLUTION was introduced and duly passed at a meeting of the Council of the City of Salisbury, Maryland held on \_\_\_\_\_, 2014 and is to become effective immediately upon adoption.

38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52

ATTEST:

\_\_\_\_\_  
Kimberly R. Nichols  
CITY CLERK

\_\_\_\_\_  
Jacob R. Day  
PRESIDENT, City Council

APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
James Ireton, Jr.  
MAYOR, City of Salisbury

1 **Exhibit A**

2  
3 **Osprey Property Company, LLC’s Contribution to Streetscape**  
4 **Improvements to Fitzwater Street Corridor**  
5

6 **THIS AGREEMENT** is made this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between  
7 City of Salisbury, MD, a municipal corporation of the State of Maryland (hereinafter, “the City”), and  
8 Osprey Property Company, LLC, (hereinafter, “the Developer”).

9 **RECITALS**

10 **WHEREAS**, the Developer, Osprey Property Company, LLC, is constructing a development to  
11 operate rental housing for artist and individuals with low to moderate incomes, known as Rivers Edge  
12 located at Fitzwater Street (“the Project”); and

13 **WHEREAS**, the City is currently under contract with A. Morton Thomas & Associates, Inc. for  
14 the development of Main Street Masterplan to achieve uniform streetscape and improved appearance of  
15 the City’s streets; and

16 **WHEREAS**, the Developer wishes to contribute to the cost of such improvements to be made  
17 pursuant to the terms and specifications of the anticipated Main Street Masterplan, when adopted by the  
18 City; and

19 **WHEREAS**, the Developer and the City wish to encourage other property owners and developers  
20 along the Fitzwater Street corridor to contribute funds prior to the completion of the Main Street  
21 Masterplan; and

22 **WHEREAS**, the City wishes to accept the proposed contribution and agrees to expend the funds  
23 contributed by Developer on streetscape improvements along Fitzwater Street in the vicinity of Rivers  
24 Edge pursuant to the terms and specifications of the Main Street Masterplan, as it is approved by the City;  
25 and

26 **WHEREAS**, the City and Developer anticipate that the Main Street Masterplan will include  
27 intersections which emphasize transition to the waterfront, rhythmic tree and lighting patterns, and  
28 increased trees and landscaping.

29 **NOW, THEREFORE**, Osprey Property Company, LLC, agrees to contribute \$10,000.00 to the  
30 cost of streetscape improvements and the City agrees to expend those funds for streetscape improvements  
31 to be made along the Fitzwater Street corridor in the vicinity of Rivers Edge pursuant to the Main Street  
32 Masterplan, currently under development, according to the specifications and terms of that plan as it is  
33 finally adopted by the City.

34  
35  
36 **WITNESS:**  
37 \_\_\_\_\_

**THE CITY OF SALISBURY, MARYLAND**  
BY: \_\_\_\_\_

38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84

Mayor: James Ireton, Jr.

**WITNESS/ATTEST:**

**DEVELOPER: Osprey Property Company, LLC**

\_\_\_\_\_

BY: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_, City Solicitor  
S. Mark Tilghman

**STATE OF MARYLAND, COUNTY OF WICOMICO, to wit:**

**I HEREBY CERITFY**, that on this \_\_\_\_ day of \_\_\_\_\_, 2014, before me, a Notary Public in and for the State aforesaid, personally appeared James Ireton, Jr., who has been satisfactorily proven to be the person whose names is subscribed to the within instrument, who acknowledged himself to be a duly elected official of the **City of Salisbury**, a municipal corporation of the State of Maryland, and that said official, being duly authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the municipal corporation as such official.

**WITNESS** my hand and notarial seal.

\_\_\_\_\_(SEAL)  
Notary Public  
My Commission Expires: \_\_\_\_\_

**STATE OF MARYLAND, COUNTY OF WICOMICO, to wit:**

**I HEREBY CERITFY**, that on this \_\_\_\_ day of \_\_\_\_\_, 2014, before me, a Notary Public in and for the State aforesaid, personally appeared \_\_\_\_\_, who has been satisfactorily proven to be the person whose names is subscribed to the within instrument, who acknowledged himself to be **the Controlling Member of Osprey Property Company, LLC**, and that, being duly authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing his name.

**WITNESS** my hand and notarial seal.

\_\_\_\_\_(SEAL)  
Notary Public  
My Commission Expires: \_\_\_\_\_

---

INTER

OFFICE

# MEMO

---

## *OFFICE OF THE MAYOR*

**To:** City Council  
**From:** Tom Stevenson, City Administrator  
**Subject:** Bed & Breakfast Ordinance  
**Date:** November 12, 2014

---

At the Work Session of August 18, the City Council reviewed a draft ordinance that would provide for “Bed and Breakfast Inns” within the Newtown Historic District, pursuant to special exception from the Board of Zoning Appeals. The City Attorney had prepared the draft ordinance pursuant to the suggestion of Council President Day using a combination of suggestions and input from Jack Lenox, Director of Planning.

The Council reached unanimous consensus to return the discussion to Work Session, to further discuss issues including parking, number of rooms, and sign standards. The enclosed revised Draft includes language that addresses these issues as follows:

- The required parking would need to be provided on site, or at a designated off-street location proximate to the site, subject to findings of the Special Exception.
- The maximum number of rooms to be rented would not exceed three (3), with the number of occupants to not exceed six (6).
- The single sign allowed (in addition to being subject to the review of the Historic District Commission) would be as prescribed in the City Code for Home Occupations.

The City Attorney, Planning Director, and I will be available to answer any questions that you may have.



45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90

- D. THERE SHALL BE ONLY ONE KITCHEN AND NO GUEST ROOM SHALL INCLUDE COOKING FACILITIES;
- E. THE OWNER SHALL MAINTAIN A GUEST REGISTER, SHALL PRESERVE ALL REGISTRATION RECORDS FOR NO LESS THAN THREE YEARS, AND SHALL CONSENT TO AND THERAFTER MAKE SUCH RECORDS AVAILABLE IMMEDIATELY TO THE HOUSING INSPECTOR UPON REQUEST;
- F. THE OWNER MAY DISPLAY A SINGLE EXTERIOR SIGN, AS PROVIDED FOR UNDER SECTION 17.216.060, "SIGN STANDARDS ; AND
- G. THE OWNER HAS BEEN ISSUED A PERMIT FOR THE USE AND OPERATION OF THE OWNER OCCUPIED DWELLING AS A BED AND BREAKFAST INN BY THE HOUSING INSPECTOR PURSUANT TO THE REQUIREMENTS ESTABLISHED BY ORDINANCE.

AMEND Section 17.64.040, Uses And Development Standards by lettering the current sentence of that section as paragraph A and adding the following paragraph B:

B. IN ADDITION TO THOSE USES PERMITTED IN THE UNDERLYING ZONING DISTRICT, BED AND BREAKFAST INNS ARE PERMITTED IN THE NEWTOWN HISTORIC DISTRICT BY SPECIAL EXCEPTION, PROVIDED NO PARKING SHALL BE PERMITTED IN THE FRONT YARD.

AMEND Section 17.196.030, Parking space requirements, by adding the following:

BED AND BREAKFAST INN: TWO SPACES FOR THE PRINCIPLE USE, PLUS ONE ADDITIONAL SPACE FOREACH GUEST ROOM AND EACH EMPLOYEE. REQUIRED SPACES TO BE PROVIDED ON SITE OR PROXIMATE TO THE SITE AS CONFIRMED BY SPECIAL EXCEPTION. IN RESIDENTIAL ZONES, THE MINIMUM PARKING SETBACK SHALL BE FIVE FEET AND, WHEN MORE THAN FOUR GUEST OR EMPLOYEE SPACES ARE REQUIRED, THE PARKING AREA SHALL BE SCREENED FROM DIRECT VIEW OF ANY NEARBY RESIDENTIAL USE BY A PLANTED

**VISUAL BARRIER CONSISTING OF  
EVERGREENS WITH A MINIMUM  
HEIGHT OF SIX FEET AND PLACED  
NOMORE THAN EIGHT FEET APART**

91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121

AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage, but in no event until ten (10) days after the date of the Council's Public Hearing, and

THE ABOVE ORDINANCE was introduced at a meeting of the Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, 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 \_\_\_\_ day of \_\_\_\_\_, 2014.

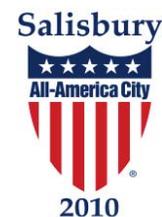
ATTEST:

\_\_\_\_\_  
Kimberly R. Nichols  
City Clerk

\_\_\_\_\_  
Jacob R. Day, President  
Salisbury City Council

Approved by me this \_\_\_\_  
day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
James Ireton, Jr., Mayor



125 NORTH DIVISION STREET  
SALISBURY, MARYLAND 21801  
Tel: 410-548-3170  
Fax: 410-548-3107

# City of Salisbury



MARYLAND

JAMES IRETON, JR.  
MAYOR

TOM STEVENSON  
CITY ADMINISTRATOR

TERENCE ARRINGTON  
ASSISTANT CITY ADMINISTRATOR

## OFFICE OF THE MAYOR

---

**To:** Tom Stevenson, Assistant City Administrator  
**From:** Terence Arrington, Assistant City Administrator  
**Cc:** Mayor Ireton  
**Subject:** False Alarm/Enhanced Call Verification Ordinance Revisions  
**Date:** November 12, 2014

---

During previous work sessions, the Council discussed improvements to Chapter 8.04 (False Alarms). This discussion leaned heavily toward the inclusion of a requirement for Enhanced Call Verification or (ECV). In the event a burglar alarm is activated, alarm companies will attempt to initiate contact with the alarm user to verify the validity of the alarm. In the event the alarm company is unable to reach the alarm user at his or her primary number, the alarm company will attempt to contact the alarm user at an alternate contact number. An attempt to contact the alarm user at a secondary contact number allows the alarm company a second opportunity to verify the validity of the burglar alarm before notifying the Police Department. If the alarm company is unable to establish contact with the alarm user at the secondary contact number, the alarm company will then notify the Police Department to dispatch an available unit to the alarm site.

Mr. Ron Boltz, owner and operator of Alarm Engineering in Salisbury testified before the council in support of ECV. Cities and towns across the United States have experience a decrease in unnecessary police dispatch to false alarm notification. In addition, ECV frees up valuable resources and assist alarm users to avoid preventable false alarm charges. However, ECV does not apply to fire, EMS, or intruder dispatch requests.

In the backup documentation, a series of grammatical and capitalization improvements were made to this ordinance. Fines and fees were updated, extraneous text deleted and additional definitions were included and/or revised for clarity. Specific sections of this chapter are renumbered to incorporate new or deleted language in the chapter. In addition, an "opt out" clause has been included; which allows alarm users the ability to decline police dispatch to the alarm site in the event a burglar alarm is activated.

A copy of the revised chapter with "track changes" is attached to this memo for your review.

1 **CITY OF SALIBURY**

2  
3 ORDINANCE No: \_\_\_\_\_

4  
5 AN ORDINANCE OF THE CITY OF SALISBURY AMENDING CHAPTER 8.04 OF  
6 THE SALSIBURY MUNICIPAL CODE TO REQUIRE ENHANCED CALL VERIFICATION  
7 (ECV) FOR ALARM DISPATCH NOTIFICATION SYSTEMS.

8  
9 WHEREAS, through the creation of section 8.04 the City has established standards and  
10 regulations pertaining to alarm systems; and

11 WHEREAS, from time to time it is prudent to review and amend the code; and

12 WHEREAS, it has been shown that countless alarm notifications prove to be unintentional; and

13 WHEREAS, responses to the these unintentional alarms can be expensive and consume valuable  
14 city resources; and

15 WHEREAS, requiring participation in an Enhanced Call Verification (ECV) system will  
16 significantly reduce the number of inadvertent calls.

17 NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
18 SALISBURY, MARYLAND that Chapter 8.04 be modified as follows:

19 **Chapter 8.04 ALARMS\***

20 **Sections:**

21 8.04.010 Purpose and definitions.

22 8.04.020 License—Required.

23 8.04.030 Application for license—Fees.

24 8.04.040 Alarm companies to provide list of users to police and fire departments.

25 8.04.050 False alarms—Violations and penalties.

26 8.04.060 Appeals

27 8.04.~~060-070~~ Weather-related activation of alarms.

28 8.04.~~070-080~~ Holdup alarms.

29 ~~8.04.080 Panic alarms prohibited.~~

30 8.04.090 Audible alarm systems.

31 8.04.100 Auto dialer.

32 8.04.1210 Operating without a license—Penalties.

33 8.04.1320 Alarm system operating instructions.

34 8.04.1430 Alarm system operation and maintenance.

35 8.04.1540 Enhanced Call Verification

36

37 **8.04.010 Purpose and definitions.**

38 The purpose of this chapter is to provide standards and regulations applicable to alarms such  
39 as burglar (intrusion), holdup (robbery) alarms, life safety alarms (fire detection, heat detection,  
40 smoke detection and water flow in occupancies), alarm companies, alarm agents and alarm users  
41 as defined in this chapter. It is the intent of this chapter to provide for the registration of alarm  
42 companies, and alarm systems, to control false alarms, to ensure the proper operation,  
43 maintenance, and use of alarm systems, to place a time limit on audible alarms and to provide  
44 penalties for violations of this chapter.

45 For the purpose of this chapter, the following words shall have the meanings ascribed to  
46 them:

47 "Alarm" means activation of any alarm system that indicates that a criminal activity, fire or  
48 fire-related emergency, or medical emergency is taking place. ~~.\_~~ The alarm may be an audible  
49 alarm at or within the occupancy or it may be transmitted to a central monitoring station by  
50 electronic means.

51 "Alarm agent" means any person employed by an alarm company whose duties shall include  
52 the altering, installing, maintaining, moving, repairing, replacing, selling, servicing, responding,  
53 or causing others to respond, to an alarm system.

54 "Alarm company" means any person who engages in the business of altering, maintaining,  
55 selling at retail, servicing or responding to an alarm system but does not include telephone  
56 answering services which receive alarm activation signals and relay information to the ~~p~~Police or  
57 ~~f~~Fire ~~d~~Department dispatch centers but do not function in any other manner.

58 "Alarm dispatch notification" means the process for notification of the ~~f~~Fire or ~~p~~Police  
59 dispatch centers indicating that an alarm, either automatic or manual, has been activated at a  
60 particular alarm site.

61 "Alarm signal" means the actual activation of an alarm system.

62 "Alarm site" means a single premise or location served by an alarm system or systems.

63 "Alarm system" means any assembly of equipment, mechanical or electrical, device, or  
64 series of devices, including, but not limited to, systems interconnected by radio frequency  
65 signals, arranged or designed to signal an alarm indicating an unauthorized entry to, or criminal  
66 activity requiring attention and to which the ~~p~~Police are expected to respond. It shall also mean  
67 an alarm indicating fire, smoke, excessive heat, or sprinkler water flow in the occupancy by  
68 emitting or transmitting a remote or local audible, visual, or electronic signal indicating an alarm  
69 condition that requires immediate attention and to which the ~~f~~Fire ~~d~~Department is expected to  
70 respond. Alarm system includes devices activated automatically, such as burglary alarms, fire,  
71 heat, or smoke detectors, water flow alarms and devices activated manually, such as holdup  
72 alarms and individual emergency pull stations. ~~.\_~~ Alarm system does not include an alarm installed  
73 on a vehicle or an alarm designed to alert only the occupants of a premise that does not have a  
74 sounding device that is audible on the exterior of the alarm site.

75 "Alarm user" means any owner or lessor of any alarm system, the occupant of any dwelling  
76 unit with an alarm system, each tenant using an alarm system in a multi-tenant occupancy, or any  
77 person, firm, partnership, corporation, government or other entity which uses an alarm system at  
78 an alarm site.

79 "Audible alarm system" means an alarm system, which utilizes an audible device such as a  
80 siren, bell, horn, klaxon, etc., as a warning device when the alarm is activated.

81 "Automatic dialing device" means an alarm system, which automatically sends over a  
82 regular telephone line, by, direct connection or otherwise, a prerecorded voice message  
83 indicating the existence of the emergency situation that the alarm system is designed to detect.

84 "Cancellation" means verification from the alarm business or company that there is no actual  
85 emergency at the alarm site and there is no further need for the police or fire department to  
86 respond.

87 "Central monitoring station" means ~~a control center, including but not limited to a telephone~~  
88 ~~answering service which provides for the receiving, on a continuous basis through trained~~  
89 ~~employees, emergency signals from alarm systems and thereafter immediately relaying the~~  
90 ~~message by live voice to any office, station, or telephone answering service where trained~~  
91 ~~employees monitor and/or receive emergency signals from alarm systems, and relay messages~~  
92 ~~from such signals by live voice to the City of Salisbury Police and Fire Department~~  
93 ~~telecommunications and dispatch center, of the police department or the dispatch center for the~~  
94 ~~fire department of the city of Salisbury.~~

95 "City" means the eCity of Salisbury, Maryland.

96 "Control panel" means the on-site central processing unit designed to control, manage, and  
97 operate an alarm system.

98 "Digital dialer" means a device that transmits digital signals from an alarm system to a  
99 central monitoring station through the telephone network.

100 "Enhanced Call Verification" means that all central monitoring stations that handle  
101 residential or commercial intrusion and/or burglar alarm activations shall make two (2) phone  
102 calls in an attempt to verify the validity of any monitored alarm activation.

103 "False alarm" means any alarm ~~caused by means other than criminal activity, or dispatch~~  
104 ~~request to the Police or Fire Department, which results in the responding officer(s) finding no~~  
105 ~~evidence of a criminal offense, attempted criminal offense, or an actual fire or medical~~  
106 ~~emergency, after completing an investigation of the alarm site, including, but not limited to, the~~  
107 ~~activation of an alarm system through mechanical failure, malfunction, improper installation or~~  
108 ~~the negligence of the owner or lessee of an alarm or of his employees or agents; any alarm that is~~  
109 ~~caused by means other than criminal activity or when functioning properly.~~

110 "Fire eChief" means the eChief of the fFire dDepartment of the eCity of Salisbury,  
111 Maryland, or his/her designeated ~~representative~~.

112 "Fire dDepartment" means the eCity of Salisbury fFire dDepartment.

113 "Fire dDepartment dispatch center" means the agency responsible for dispatching the fFire  
114 dDepartment for event response.

115 "Holdup alarm system" means an alarm system signaling a robbery or attempted robbery.

116 "Key box entry system" means a device designed to safely secure keys, or other information,  
117 for use by ~~f~~Fire ~~d~~Department personnel to quickly gain access to the control panel, and entry into  
118 ~~an occupancy.~~

119 "Keypad or touch pad" means a device that permits the control of an alarm system by the  
120 manual entering of a coded sequence of numbers or letters.

121 "Monitoring" means the process by which an alarm company receives signals from alarm  
122 systems and relays an alarm dispatch notification to the dispatching agency for the purpose of  
123 summoning fire, emergency medical services, and/or police personnel to respond to the alarm  
124 site.

125 "Opt Out" means the process by which a verified alarm user notifies the alarm company,  
126 alarm agent, Police or Fire Dispatch Center not to respond to the alarm signal or alarm dispatch  
127 notification received.

128 "Panic alarm" means an alarm system described or advertised for the purpose of being  
129 normally or otherwise activated by a person to summon ~~f~~Fire ~~d~~Department personnel or ~~p~~Police  
130 for any reason other than robbery or robbery attempts or an actual fire or a medical emergency.

131 "Person" means any person, firm, partnership, association, corporation, company of any  
132 kind.

133 "Police ~~e~~Chief" means the ~~e~~Chief of the ~~p~~Police ~~d~~Department of Salisbury, Maryland or  
134 his/her ~~designated representative.~~

135 "Police ~~d~~Department" means the Salisbury ~~p~~Police ~~d~~Department.

136 "Proprietor" means any person who owns or controls the use of property in which an alarm  
137 system is installed.

138 "Residential alarm user" means the occupant of any residential dwelling that constitutes a  
139 single alarm site with an alarm system.

140 "Takeover" means the transaction or process by which an alarm user takes over the control  
141 of an existing alarm system that was previously controlled by another alarm user.

142 "Twelve-month period" means ~~a consecutive twelve (12) month period within a any~~  
143 ~~calendar year.~~

144 "Verification" means the attempt by the alarm company or its representative/s to contact the  
145 alarm site by telephone or other electronic means, whether or not actual contact with a person is  
146 made, to corroborate, or verify, the information transmitted by the alarm signal.

147 "Written notice" means notice by certified mail, return receipt requested.

148 (Ord. 1955 (part), 2005)

#### 149 **8.04.020 License—Required.**

150 A. It is unlawful for any person or alarm company intending to conduct business within the city  
151 limits of the ~~e~~City of Salisbury without first having obtained a license from the ~~d~~Director of  
152 ~~i~~Internal ~~s~~Services.

- 153 B. The application for an alarm company license shall be signed by the individual proprietor of  
 154 the business or by a partner or by the proper corporate official as is appropriate for the form  
 155 of business seeking to register for a license.
- 156 C. The ~~p~~P~~o~~l~~i~~c~~e~~ ~~d~~D~~e~~p~~a~~r~~t~~m~~e~~n~~t~~ shall establish standards that an alarm company must meet to  
 157 obtain an alarm company license. The ~~p~~P~~o~~l~~i~~c~~e~~ ~~d~~D~~e~~p~~a~~r~~t~~m~~e~~n~~t~~ shall refuse a license to any  
 158 alarm company that fails to meet its alarm company standards.
- 159 D. The ~~p~~P~~o~~l~~i~~c~~e~~ ~~d~~D~~e~~p~~a~~r~~t~~m~~e~~n~~t~~ shall, within thirty (30) days after receipt of the application, either  
 160 approve or deny the issuance of a license. In the case of approval, the ~~d~~D~~i~~r~~e~~c~~t~~o~~r~~ of ~~i~~I~~n~~t~~e~~r~~n~~a~~l~~  
 161 ~~s~~S~~e~~r~~v~~i~~c~~e~~s~~ shall notify the applicant in writing of the approval and shall issue a license on a  
 162 form established by the ~~d~~D~~i~~r~~e~~c~~t~~o~~r~~ of ~~i~~I~~n~~t~~e~~r~~n~~a~~l~~ ~~s~~S~~e~~r~~v~~i~~c~~e~~s~~. In the case of denial, the ~~p~~P~~o~~l~~i~~c~~e~~  
 163 ~~d~~D~~e~~p~~a~~r~~t~~m~~e~~n~~t~~ shall notify the applicant that he may appeal. ~~the denial and set forth a~~  
 164 ~~procedure for appeal.~~ A procedure for appealing the denial of a license shall be established  
 165 by the ~~p~~P~~o~~l~~i~~c~~e~~ ~~d~~D~~e~~p~~a~~r~~t~~m~~e~~n~~t~~.
- 166 (Ord. 1992 (part), 2006: Ord. 1955 (part), 2005)

167 **8.04.030 Application for license—Fees.**

168 Applications shall be made on forms furnished by the ~~d~~D~~i~~r~~e~~c~~t~~o~~r~~ of ~~i~~I~~n~~t~~e~~r~~n~~a~~l~~ ~~s~~S~~e~~r~~v~~i~~c~~e~~s~~. The  
 169 applicant shall pay a one-time registration fee of fifty dollars (\$50.00) and may renew the  
 170 registration, at no cost, prior to expiration each calendar year. All companies currently  
 171 conducting business in the city shall re-register and update information before July 1, 2006.  
 172 (Ord. 1992 (part), 2006: Ord. 1955 (part), 2005)

173 **8.04.040 Alarm companies to provide list of users to ~~p~~P~~o~~l~~i~~c~~e~~ and ~~f~~F~~i~~r~~e~~ departments.**

174 All licensed alarm companies shall provide the ~~p~~P~~o~~l~~i~~c~~e~~ and ~~f~~F~~i~~r~~e~~ ~~d~~D~~e~~p~~a~~r~~t~~m~~e~~n~~t~~s with the  
 175 following:

- 176 1. A complete list of names and addresses of all persons to whom alarm systems have  
 177 been sold, leased, rented or otherwise given use of;
- 178 2. The ~~alarm system's~~ location of the customers' alarm systems; and
- 179 3. All other information requested on a form provided by the ~~p~~P~~o~~l~~i~~c~~e~~ ~~d~~D~~e~~p~~a~~r~~t~~m~~e~~n~~t~~.

180 (Ord. 1955 (part), 2005)

181 **8.04.050 False alarms—Violations and penalties.**

182 A. If, within a calendar year, the ~~f~~F~~i~~r~~e~~ and/or ~~p~~P~~o~~l~~i~~c~~e~~ ~~d~~D~~e~~p~~a~~r~~t~~m~~e~~n~~t~~s respond to more than two  
 183 (2) false alarms at the same location, response fees will be charged to the property owner, as  
 184 defined ~~in~~ at the bottom of this Section ~~15.24.530~~, in accordance with the fee schedule in  
 185 effect at the time of the response. The Council of the City of Salisbury shall set the fee  
 186 schedule from time to ~~time~~ time, as the Council deems appropriate. Prior to January 31<sup>st</sup> of  
 187 each year, for the purpose of setting a fee schedule, the ~~p~~P~~o~~l~~i~~c~~e~~ ~~d~~D~~e~~p~~a~~r~~t~~m~~e~~n~~t~~ and ~~f~~F~~i~~r~~e~~  
 188 ~~d~~D~~e~~p~~a~~r~~t~~m~~e~~n~~t~~ shall provide the Council with up-to-date response fees from each department.

189 Each billable false alarm response shall incur a separate twenty-five (\$25.00) administrative  
190 processing fee in addition to the false alarm response fee.

191 Failure to pay said fees within ninety (90) days of the date on the notification of the  
192 violation will result in a lien against the real property until the fees are satisfied and shall be  
193 collectible in the same manner as real estate taxes and accrue interest and penalties, if  
194 applicable, as allowed for unpaid real estate taxes as well.

195 B. If an alarm company can establish verifiable contact with the alarm user during a false  
196 alarm, he or she has the option to opt out of Police or Fire dispatch for all confirmed false  
197 alarm notifications.

198 C. Newly installed and newly transferred alarm systems will be given a thirty (30) day grace  
199 period to allow for correction of equipment and user errors. During the thirty (30) day  
200 period, the alarm user will be allowed unlimited false alarms, as long as steps are being  
201 taken to correct any problems. The alarm company installing the new system or transferring  
202 a system shall notify the ~~p~~Police and ~~f~~Fire ~~d~~Departments in writing of the new installation or  
203 transfer, including the effective date, within 10 days of the effective date.

204 D. The ~~d~~Director of ~~i~~Internal ~~s~~Services will maintain accurate records of false alarms and will  
205 bill for payment thereof by mailing said bill to the property owner of the subject location.

206 E. If the false alarm bill remains unpaid for more than ninety (90) days, the ~~d~~Director of  
207 ~~i~~Internal ~~s~~Services shall place a lien against the subject real property by forwarding to the  
208 last known address of the owner as recorded in the real estate assessment records of the  
209 ~~e~~City of Salisbury by written notice, a notice of lien, and such receipt shall constitute a  
210 prima facie evidence of service upon such owner if it is signed either by the owner or by a  
211 person of suitable age and discretion located at such address. In the event that delivery of  
212 said notice of lien is refused by the property owner or his agent, then valid service may be  
213 accomplished by hand delivery of same to either the property owner or a person of suitable  
214 age and discretion employed or residing at the subject location or by posting the written  
215 notice in a conspicuous place in or about the structure or property affected by such notice.

216 F. Municipal Infraction

217 For any violation occurring after the fourth false alarm response by the same responding  
218 department within the same calendar year, the person owning and/or in control of the subject  
219 real property shall be guilty of a municipal infraction and shall be subject to a fine of up to a  
220 maximum of ~~one thousand~~ five hundred dollars (~~\$1,0~~500.00 ) for each offense. ~~Each false~~  
221 ~~alarm response thereafter within the same calendar year shall constitute a separate offense.~~  
222 Notice and service of a citation shall be as directed under Local Government Article of the  
223 Maryland Annotated Code 23A § 36-101, et seq. and § SC5-1(38), as amended, concerning  
224 municipal infractions. The Chief of Police and Fire Chief are designated by the Council to  
225 direct the designated persons within their departments to act as enforcement officers for the  
226 purpose of preparing and carrying out the requirements for issuing and serving municipal  
227 infractions.

228  
229

230

False Alarm Fee Schedule

False Alarm Occurrence	Administrative Processing Fee	False Alarm Response Fee	
		Police	Fire
1st	0.00	0.00	0.00
2nd	0.00	0.00	0.00
3 <sup>rd</sup> and each subsequent false alarm in a calendar year	25.00	<del>246.40</del> <u>120.00</u>	<del>272.09</del> <u>135.00</u>

231

232 (Ord. 1992 (part), 2006; Ord. 1955 (part), 2005)

233 **8.04.060 Appeals**

234 Any alarm user who is assessed a false alarm fee by the City of Salisbury may appeal the  
 235 fee in writing to the City Administrator or designee within ten (10) days of the date of the  
 236 notification of the violation. Within twenty-one (21) days after receipt of the appeal, the City  
 237 Administrator or designee shall review the file and if necessary, arrange a hearing to discuss the  
 238 application. Following the hearing and/or review, the City Administrator must render a written  
 239 decision affirming, reversing, or modifying the violation issued by the Police and/or Fire  
 240 Department. Failure to file a timely appeal shall constitute acceptance of the violation and  
 241 related fees.

242  
243 **8.04.0670 Weather-related activation of alarms.**

244  
 245 A. Police Department Actions- Due to the activation of many alarms during severe weather,  
 246 the on-duty commander of the pPolice dDepartment shall have the option of assigning  
 247 alarms a low priority during this time- If time permitspermits, the building may be visually  
 248 checked by an officeran officer may visually check the building. If, because of other calls or  
 249 because of an excessive amount of alarms, the pPolice dDepartment is unable to respond to  
 250 the alarm location within a reasonable time, the central monitoring station will be notified of  
 251 the problem, and it will be the alarm company's responsibility to have someone check the  
 252 building or to notify a representative of the business of the situation. Once this notification is  
 253 made, the police department is relieved of any responsibility to respond to that alarm.

254 B. Fire Department Actions- Due to the activation of many alarms during severe weather, the  
 255 fFire dDepartment shall have the option of assigning alarms a low priority during this time.  
 256 Priority assignments shall be made based on the type of alarm, the type of occupancy, and  
 257 the fFire dDepartment's previous experience and history of alarms received from the  
 258 occupancy and its response to the location- The fire department shall cause a process of  
 259 verification of the alarm to be initiated to assist in the assignment of a priority to the alarm  
 260 activation-If the fFire dDepartment is unable to immediately respond to the alarm location  
 261 within a reasonable amount of time due to the increased volume of alarm system activations,  
 262 the fFire dDepartment dispatch center shall be notified- It will be Tthe alarm company's  
 263 responsibility-shall be responsible to notify a representative of the business of the situation.  
 264 investigate the nature and cause for the alarm activation and advise the fire department

265 ~~dispatch center.~~ Unless verification indicates that the ~~f~~Fire ~~d~~Department's services are  
266 required at the alarm location, the ~~f~~Fire ~~d~~Department is relieved of any responsibility to  
267 respond to the alarm and of any liability associated with the lack of a sufficient response to  
268 the alarm site.

269 (Ord. 1955 (part), 2005)

#### 270 **8.04.0780 Holdup alarms.**

271 It is unlawful for any alarm user to activate any alarm system known as a "holdup alarm" to  
272 summon police for anything other than a holdup in progress~~-. Use of alarm systems for crimes~~  
273 such as thefts, disorderly or intoxicated subjects is prohibited and shall be charged as a false  
274 alarm.

275 (Ord. 1955 (part), 2005)

#### 276 ~~8.04.080 Panic alarms prohibited.~~

277 ~~No system known as a "panic alarm" will be permitted within the limits of the city of~~  
278 ~~Salisbury.~~

279 (Ord. 1955 (part), 2005)

#### 280 **8.04.090 Audible alarm systems.**

281 It is unlawful for any person, ~~f~~~~m~~~~f~~firm, or business to install or maintain any audible alarm  
282 system, which does not automatically discontinue emitting an audible sound within fifteen (15)  
283 minutes~~-. The use of an audible alarm by itself is prohibited. The alarm must have the~~  
284 capability of notifying someone of an alarm activation by means other than emitting an audible  
285 sound~~-. This shall not apply to fire alarms, elevator emergency alarms, water flow activation~~  
286 alarms, or alarms, which indicate a medical emergency.

287 (Ord. 1955 (part), 2005)

#### 288 **8.04.100 Auto dialer.**

289 It is unlawful for any person to have any device attached in any way to a telephone or  
290 telephone-type equipment which, when activated by remote control, dials a preprogrammed  
291 number and transmits a prerecorded message communicating a then-existing emergency  
292 condition including, but not limited to fire, illness or a criminal offense, which used the number  
293 of the ~~p~~Police or ~~f~~Fire ~~d~~Departments~~-. The ~~p~~Police and Fire eChief ~~is~~are authorized to grant~~  
294 exceptions for handicapped persons.

295 (Ord. 1955 (part), 2005)

296 **8.04.1210 Operating without a license—Penalties.**

- 297 A. An alarm company may not conduct business, including, but not limited to installing,  
298 altering, leasing, monitoring, maintaining, repairing, replacing or servicing an alarm system,  
299 within the eCity of Salisbury, without an alarm company license.—A violation of this  
300 subsection shall be a misdemeanor, subject to imprisonment of up to thirty (30) days, or a  
301 fine not to exceed five hundred dollars (\$500.00) and imprisonment not to exceed thirty (30)  
302 days.
- 303 B. Any alarm company conducting business within the eCity of Salisbury on the effective date  
304 of the ordinance codified in this chapter shall apply for a license within thirty (30) days of  
305 the effective date of the ordinance codified in this chapter and may continue conducting  
306 business while its license application is being processed. An alarm company not previously  
307 conducting business in the limits of the city on the effective date of this chapter shall not  
308 commence conducting business until the application is approved.
- 309 C. Any violation of this chapter, which does not specifically provide for a penalty shall be a  
310 misdemeanor and subject to a fine of not more than one hundred dollars (\$100.00).  
311 (Ord. 1955 (part), 2005)

312 **8.04.1320 Alarm system operating instructions.**

313 The alarm user shall maintain a copy of the operating instructions for the alarm system at the  
314 alarm site and provide this document to the fFire dDepartment upon request.  
315 (Ord. 1955 (part), 2005)

316 **8.04.1430 Alarm system operation and maintenance.**

317 The alarm user shall:

- 318 A. Maintain the premises and the alarm system in such a manner that will minimize or  
319 eliminate unnecessary false alarms.
- 320 B. Cause a representative to respond to the alarm system's location within thirty (30)  
321 minutes (or less) when requested by the Police or fFire dDepartment.
- 322 C. Ensure that the alarm system control key(s) or code(s) are safely secured in the facility's  
323 key box in accordance with key box entry system ~~code provisions~~.

324 **8.04.1540 Enhanced Call Verification**

325 All central monitoring stations that handle residential or commercial intrusion and/or  
326 burglar alarm activations shall make two (2) phone calls in an attempt to verify the validity of  
327 any monitored alarm activation prior to calling the Salisbury Police Department to request a  
328 dispatch.

329

330

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

333  
334 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of  
335 Salisbury held on the \_\_\_\_\_ day of \_\_\_\_\_, 2014 and thereafter, a statement of the  
336 substance of the ordinance having been published as required by law, in the meantime, was  
337 finally passed by the Council on the \_\_\_ day of \_\_\_\_\_, 2014.

338 ATTEST:

339

340 \_\_\_\_\_  
341 Kimberly R. Nichols, City Clerk

\_\_\_\_\_   
Jake Day, City Council President

342

343

344

345 Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

346

347

348

349 \_\_\_\_\_  
James Ireton, Jr.,  
350 Mayor

# Memo

To: Tom Stevenson  
From: Susan Phillips  
Date: November 5, 2014  
Re: Occupancy Enforcement Policy Outline

---

Per our request, the below information outlines the occupancy enforcement that would take place if the proposed over-occupancy legislation goes into effect. This content will be placed in the NSCC Directives.

1. Potential over-occupancy violation identified.
2. An Investigation of Excessive Occupancy letter would be issued requiring the property owner to contact the City Department of Neighborhood Services & Code Compliance regarding this matter within ten (10) days.
3. During or immediately following the ten (10) day time period, if the structure is determined to be over-occupied, the following will occur:
  - An Order to Vacate the unit will be issued and 60 days will be given for occupants to vacate the premises.
  - Rental unit registration will be suspended once an inspection has confirmed the unit has been vacated.
    - 1<sup>st</sup> offense will be a three (3) month suspension
    - 2<sup>nd</sup> offense will be a six (6) month suspension
    - 3<sup>rd</sup> offense will be a twelve (12) month suspension
  - Neighborhood Services & Code Compliance reserves the right to issue a municipal infraction at this time.
  - Additionally, if an exemption for 3 or 4 unrelated was granted, this non-conforming use will be lost permanently.
4. After the suspension time period has matured, a comprehensive inspection will need to be completed. If the unit is found to be in compliance, a certificate of occupancy will be issued and the unit may resume as a rental use.

Please let me know if you have any questions.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

**CITY OF SALISBURY**  
**ORDINANCE NO.**  
**DRAFT**

AN ORDINANCE of the Mayor and Council of the City of Salisbury amending Sections 15.24.280 General, 15.24.1640 Violation of occupancy provisions, and 15.26.110 Denial, nonrenewal, revocation or suspension of license or registration of the Salisbury Municipal Code.

**WHEREAS**, the Department of Neighborhood Services and Code Compliance is experiencing a rise in over-occupancy violations; and

**WHEREAS**, due to this rise in over occupancy, there is a need to strengthen the enforcement for occupancy violations; and

**WHEREAS**, a reduction in the allowed occupancy of nonconforming where over-occupancy has occurred is desirable; and

**WHEREAS**, the addition of denial, nonrenewal, revocation or suspension of license or registration will make enforcement more effective; and

**WHEREAS**, the Department of Neighborhood Services and Code Compliance does recommends approval of these proposed code changes.

**NOW, THEREFORE**, be it enacted and ordained by the Council of the City of Salisbury, Maryland, that Chapters 15.24 and 15.26 of the Salisbury Municipal Code, be amended as follows:

**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 provision 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

47 contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential  
48 equipment required by this code.

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

52 E. An unlawful structure which is ordered to be “vacated or condemned” shall, ~~in the~~  
53 ~~appropriate zones in the case of a dwelling,~~ be permanently reduced to ~~at the maximum~~  
54 occupancy ~~of two unrelated persons, not including the children of either of them~~ allowed for the  
55 applicable conforming use, with no additional occupants permitted pursuant to the dwelling’s  
56 status as a nonconforming use.

57

#### 58 **15.24.1640 Violation of occupancy provisions.**

59

60 If the department of neighborhood services and code compliance determines that the number of  
61 unrelated occupants in a dwelling violates the occupancy provisions established by this code,  
62 ~~then~~ the number of unrelated occupants, not including the children of either of them, shall be  
63 permanently reduced to ~~comply with city code~~ the maximum allowed for the applicable  
64 conforming use, with no additional occupants permitted pursuant to the dwelling’s status as a  
65 nonconforming use.

66

#### 67 **15.26.110 Denial, nonrenewal, revocation or suspension of license or registration.**

68

69 If after any period for compliance with this chapter has expired, the NSCC determines that a  
70 rental dwelling unit or a rental dwelling unit owner fails to comply with any of the licensing or  
71 registration standards set forth herein or with the occupancy provisions of this code, ~~and the~~  
72 NSCC ~~has shall~~ initiate ~~d~~ an action to deny, revoke, suspend, or not renew a registration or  
73 license, ~~NSCC shall and~~ mail the owner a notice of denial, nonrenewal, revocation, or suspension  
74 of the license or registration. The notice shall state:

75

A. That NSCC has determined that the rental dwelling unit fails to comply with the  
76 ~~registration~~ standards for rental dwelling units in this chapter, and/or the owner has failed to  
77 comply with the Maryland Department of Environment lead abatement reporting  
78 requirements;

79

B. The specific reasons why the rental dwelling unit fails to meet ~~licensing or registration~~ the  
80 required standards, including copies of applicable inspection reports, or notices sent to  
81 licensee about the rental dwelling unit;

82

C. That the director will deny, refuse to renew, revoke, or suspend the license or registration  
83 unless the owner appeals the determination within twenty-one (21) days after receipt of the  
84 notice, in the manner provided in Section 15.26.120 of this chapter;

85

D. That after denial, nonrenewal, revocation or suspension, the rental dwelling unit shall be  
86 vacated within sixty (60) days, and shall not be reoccupied until all violations are corrected  
87 and a license and/or registration is granted by NSCC pursuant to provisions of Annotated  
88 Code of Maryland, Real Property Article, Title 8;

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

91 F. The director shall cause a notice to tenants to be mailed or delivered to each registered  
92 rental dwelling unit and prominently posted on the building. The notice shall indicate that the  
93 rental dwelling unit registration or owner license for the rental dwelling unit has been denied,  
94 revoked, not renewed or suspended, whichever is applicable; that the action will become  
95 final on a specific date unless the rental dwelling unit owner appeals and requests a hearing;  
96 that tenants may be required to vacate the building when the action becomes final; that  
97 further information can be obtained from NSCC.

98  
99 AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY OF SALISBURY,  
100 MARYLAND, that the Ordinance shall take effect upon final passage.

101  
102 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of  
103 Salisbury held on the \_\_\_\_ day of \_\_\_\_\_, 2014 and thereafter, a statement of the  
104 substance of the ordinance having been published as required by law, in the meantime, was  
105 finally passed by the Council on the \_\_\_ day of \_\_\_\_\_, 201\_\_, and shall take effect  
106 \_\_\_\_\_.

107

108

109 ATTEST:

110

111

112 \_\_\_\_\_  
Kimberly R. Nichols, City Clerk

113

114

115

116 Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

117

118

119

120 \_\_\_\_\_  
James Ireton, Jr.,

121 Mayor

122

123