

ORDINANCE NO. 2583

AN ORDINANCE OF THE CITY OF SALISBURY REQUIRING THAT CERTAIN SINGLE-USER RESTROOMS IN THE CITY BE MADE AVAILABLE TO ALL INDIVIDUALS REGARDLESS OF GENDER; REQUIRING THAT CERTAIN SINGLE-USER RESTROOMS USE GENDER INCLUSIVE SIGNAGE TO IDENTIFY THE RESTROOM; DEFINING CERTAIN TERMS; ESTABLISHING CERTAIN PENALTIES; AND PROVIDING FOR A SPECIAL EFFECTIVE DATE.

WHEREAS, the City of Salisbury seeks to provide all citizens privacy and safety with regard to being able to utilize available single user restrooms; and

WHEREAS, requiring certain single-user restrooms to be made available for anybody's use will further protect the health, safety and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND THAT the Municipal Code of the City of Salisbury is hereby amended by adding a new Chapter 9.12 to Title 9- Public Peace, Morals and Welfare to read as follows:

Chapter 9.12 – PUBLIC RESTROOMS

9.12.010 – Definitions.

A. In general.

In this Chapter, the following terms have the meanings indicated.

B. Gender inclusive signage.

“Gender inclusive signage” means a sign identifying a restroom that does not indicate a specific gender, such as “Restroom”, “Bathroom”, “Toilet”, “Family Use Restroom”, “Gender Neutral”, “Gender Inclusive”, or a symbol indicating the restroom’s availability for use by any individual regardless of gender.

C. Place of public accommodation.

“Place of public accommodation” has the meaning stated in State Government Article, § 20-301 {“ ‘Place of public accommodation’ defined”}.

D. Public single-user restroom.

1. “Public single-user restroom” means a single-occupancy restroom for public use with at least one water closet and with an outer door that can be locked by the occupant.

2. “Public single-user restroom” does not include:

a. Any private restroom in a residence, apartment, hotel, or hospital; or

b. A restroom only accessible from a private room or office.

9.12.020 – Requirements for single-user restrooms.

Any public single-user restroom in a commercial or industrial establishment, a place of public accommodation, or a City-owned or City-occupied building must be:

A. Made available for use by individuals of any gender; and

B. Identified with gender inclusive signage.

9.12.030 – Department to enforce.

Enforcement of this Chapter shall be conducted by enforcement officers designated by the Housing and Community Development Department.

9.12.040 – Enforcement by citation.

A. In general.

1. A citation under this section may only be issued after the issuance of a written warning and a failure to correct the violation within thirty (30) days of the date of the warning.

2. In addition to any other civil remedy or enforcement procedure, 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 One Hundred Dollars (\$100.00) per violation in accordance with Chapter 1.16 of the City of Salisbury Municipal Code. Each day a violation continues shall be deemed a separate offense.

B. Process not exclusive.

The issuance of a municipal infraction citation to enforce this Chapter does not preclude pursuing any other civil remedy or enforcement action authorized by law.

*Information shown as **BOLD UNDERLINED** language is being added to the existing City of Salisbury Municipal Code.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that the Ordinance shall take effect six (6) months following the date of final passage.

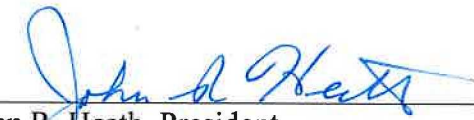
THIS ORDINANCE was introduced and read at a meeting of the City Council of the City of Salisbury held on this 24th day of February 2020, and thereafter, a statement of the substance of the

Ordinance having been published as required by law, was finally passed by the Council on the 9th day of March, 2020.

ATTEST:



Kimberly R. Nichols, City Clerk



John R. Heath, President
Salisbury City Council

APPROVED BY ME THIS 16th day of MARCH, 2020.



Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

To: City Council

From: Julia Glanz, City Administrator

Subject: Gender Neutral/Gender Inclusive Bathrooms

Date: February 12, 2020

Please find the attached ordinance to require that single-user restrooms in the City of Salisbury be made available to all individuals, regardless of gender. During the 2019 local elections PFLAG Salisbury had community conversations around this inclusive legislation. This legislation would require that all publically accessible businesses and organizations change their bathroom signage to be gender neutral/gender inclusive within six months of this code change being adopted by Council.

The City of Salisbury is a leader on the Eastern Shore and within Maryland in supporting LGBT activities and legislation. This is the next step to becoming a more welcoming and inclusive community for transgender and non-binary members of our community, along with those with infants and young children, and those in wheelchairs.