



**SALISBURY CITY COUNCIL
WORK SESSION AGENDA**

NOVEMBER 7, 2022

Government Office Building, Council Chambers and Zoom Video Conferencing

- 4:30 p.m. Ordinance to approve a budget amendment to appropriate funds to the Fire Department- Deputy Chief Chris O'Barsky
- 4:35p.m. Comprehensive Plastic Bag Reduction Ordinance- City Administrator Julia Glanz, Elise Trelegan, Chair, Green Team
- 4:55 p.m. Administration and Council Remarks
- 5:00 p.m. Adjournment

*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 3-305(b).*

Join Zoom Meeting
<https://us02web.zoom.us/j/88186172560>
Meeting ID: 881 8617 2560
Phone: 1.301.715.8592

Posted: 11/3/22



City of
Salisbury
Jacob R. Day, Mayor

MEMORANDUM

To: Julia Glanz,
From: Chris O'Barsky, Deputy Chief
Subject: Budget Amendment Request
Date: October 19, 2022

The Fire Department is requesting the approval of a budget amendment in the amount of \$5,600.00 for re-imbursement received after providing three (3) Bike Medic Teams to this year's Ocean City Bike Fest on September 15th, 16th, and 17th.

Thank you in advance for your time and consideration on this request. If you should have any questions or need any additional information, please do not hesitate to contact me.

Attachment: Budget Amendment Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET
AMENDMENT OF THE FY2023 GENERAL FUND BUDGET TO APPROPRIATE
FUNDS TO THE SALISBURY FIRE DEPARTMENT'S OPERATING ACCOUNT.**

WHEREAS, the Fire Department, in collaboration with the Ocean City Fire Department and OC Jams LLC, provided three (3) Bike Medic Teams for the Ocean City Bike Fest; and

WHEREAS, the City has received a reimbursement check from OC Jams LLC in the amount of \$5,600.00 and placed the funds back to the City's General Fund; and

WHEREAS, the Fire Department has use for these funds received and request that the funds of \$5,600.00 be reallocated to the Fire Department Operating Budget for FY2023.

WHEREAS, the budget amendment as provided herein must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 1. The City of Salisbury's Fiscal Year 2023 General Fund Budget be and is hereby amended as follows

(a) Increase the Current Year Other Donations Account (01000-456415) by \$5,600.00.

(b) Increase the Salisbury Fire Department's Over-time/Non-Clerical Account (24035-501021) by \$5,600.00.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 2. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

Section 3. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

Section 4. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 4.

Section 5. This Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the _____ day of _____, 2022 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 of the City of Salisbury on the _____ day of _____, 2022.

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ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, City Council President

Approved by me, this _____ day of _____, 2022.

Jacob R. Day, Mayor



City of Salisbury

Jacob R. Day, Mayor

To: City Council

From: Julia Glanz, City Administrator

Subject: Comprehensive Plastic Bag Ban Ordinance

Date: October 26, 2022

In the City's continued efforts to prioritize environmental stewardship, reduce litter in our City, and be a leader among local governments, please find the attached Comprehensive Plastic Bag Ban Ordinance with an implementation date of June 30, 2023.

In the 2022 City of Salisbury's Sustainability Survey and associated local engagement sessions, community members recognized litter as one of the most prevalent environmental issues in our city. Plastic bags are a large portion of plastic pollution that end up in our trees, streets, parks, rivers and in local wildlife. Banning the use and spread of plastic bags will decrease litter, prevent storm drain blockages, and contribute to a healthier and more beautiful Salisbury.

Only about 5% of plastic bags actually get recycled and they are not accepted in our curb-side recycling program. Plastic bags are regularly "wish-cycled" and contaminate the recycling loads in our community, which also results in lower overall recycling productivity. Because recycling is a commodities market, they are simply less valuable than other materials and there is no viable market for them. The best solution for reducing single-use plastic bags is to ban them and to incentivize reusable bags.

Effective June 30, 2023, this Ordinance prohibits retailers from supplying customers with plastic bags for use as carryout bags. "Carryout bag" is defined as a plastic bag that is provided by a retail establishment to a customer at the point of sale and is not a reusable carryout bag. Salisbury businesses must charge a minimum of \$0.10 for each alternative bag (a paper bag, for example) distributed at check out. The business retains the entirety of the fee.

The City is committed to a smooth and highly-communicative roll out of this initiative. A six-month window between the passage of the ordinance and the effective date will provide substantial time for businesses to use their existing stock of single-use plastic bags and transition their systems to comply with this ordinance. In the coming months City officials will create a number of opportunities to interface with consumers and businesses to ask questions and collaboratively overcome stumbling blocks, share marketing materials with businesses and consumers, and publish a comprehensive web presence with additional information.

This initiative will have a measurable impact on the cleanliness, health, and beauty of our city which will in turn benefit all aspects of our community. Change like this always seems challenging at first



City of Salisbury

Jacob R. Day, Mayor

but it quickly becomes second nature as it has in countless other states and cities across the nation. We're confident that both retailers and consumers will rise to this opportunity.

Also attached is a short presentation with the legislations highlights. Please let me know if you have any questions.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING TITLE 5 OF THE SALISBURY CITY CODE, BUSINESS LICENSES AND REGULATIONS, TO PROHIBIT RETAIL ESTABLISHMENTS FROM PROVIDING PLASTIC CARRYOUT BAGS TO CUSTOMERS

WHEREAS, the ongoing application, administration and enforcement of Title 5 (Business Licenses and Regulations) of the City Code of the City of Salisbury (the “**Salisbury City Code**”) demonstrates a need for its periodic review, evaluation and amendment, in order to keep the provisions of Title 5 current, comply with present community standards and values, and promote the public safety, health and welfare of the citizens of the City of Salisbury (the “**City**”);

WHEREAS, the Mayor and Council of the City of Salisbury (the “**Mayor and Council**”) are authorized by MD Code, Local Government, § 5-202 to adopt such ordinances, not contrary to the Constitution of Maryland, public general law or public local law, as the Mayor and Council deem necessary to assure the good government of the municipality, to preserve peace and order, to secure persons and property from damage and destruction, and to protect the health, comfort and convenience of the citizens of the City;

WHEREAS, single-use plastic carryout bags generate significant public costs in disposal, contamination and litter control, as well as contribute to negative environmental impacts including but not limited to:

1. Contribute to overburdened publicly financed landfills, with significant costs to the public for cleanup, maintenance, and disposal;
2. Constitute a nuisance and an eyesore, detracting from the natural beauty of the City and the Wicomico River;
3. Cause sorting machines to break down, along with associated delays and added repair costs;
4. Production of single-use plastic carryout bags uses fossil fuels that generate excess greenhouse gas emissions which contribute to climate change;
5. Represent a significant hazard to animals like birds, sea turtles, and marine mammals, with hundreds of thousands of animal deaths attributed to marine debris every year; and
6. Break down into microplastics, contaminating the soil and water that pose threats to marine life and human health.

WHEREAS, the City of Salisbury has determined that the adoption of restrictions prohibiting retailers in the City of Salisbury from providing customers with single use plastic bags is a necessary and appropriate measure to protect people and the environment;

WHEREAS, the Mayor and Council find that the health, safety and general welfare of the citizens of the City will be furthered by adding new chapter 5.69 of the Salisbury City Code to prohibit retail establishments from providing plastic carryout bags to customers; and

WHEREAS, the Mayor and Council have determined that the addition of chapter 5.69 of the Salisbury City Code set forth shall be adopted as set forth herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Title 5 of the Salisbury City Code is hereby amended by adding the bolded and underlined language as follows:

Section 1. By adding new Chapter 5.69 to the Salisbury City Code, entitled “Plastic Bags” as follows:

Chapter 5.69 - Plastic Bags

5.69.010 - Definitions:

For the purpose of this title, the following words and terms shall have the following meanings, unless another meaning is plainly intended:

“Excluded organization” means:

- 47 A. A bona fide nonprofit fraternal, civic, war veterans', religious, or charitable organization
48 or corporation that does not serve food to the public more often than 4 days per week except
49 that once a year an organization may serve food to the public for up to 30 consecutive days;
50 and
- 51 B. A volunteer fire company that does not serve food to the public more often than 4 days per
52 week except that once a year a volunteer fire company may serve food to the public for up
53 to 30 consecutive days.

54 “Food Service Facility” means:

- 55 A. A place where food or drink is prepared for sale or service on the premises or elsewhere;
56 or
57 B. Any operation where food is served to or provided for the public, with or without charge.

58 “Food Service Facility” does not include:

- 59 A. A kitchen in a private home where food is prepared at no charge for guests in the home,
60 for guests at a social gathering, or for service to unemployed, homeless, or other
61 disadvantaged populations;
62 B. A food preparation or serving area where food is prepared or served only by an excluded
63 organization;
64 C. A location in a farmer's market or at a public festival or event where raw agricultural
65 products are sold; or
66 D. A cottage food business.

67 “Plastic carryout bag” means a plastic bag that is provided by a retail establishment to a customer at
68 the point of sale and is not a reusable carryout bag.

- 69 A. “Plastic carryout bag” includes a compostable plastic bag that meets the specifications of
70 the American Society of Testing and Material International Standard Specification for
71 Compostable Plastics D6400.
- 72 B. “Plastic carryout bag” does not include:
- 73 1. A plastic bag used to:
- 74 i. Package bulk items, including fruit, vegetables, nuts, grains, candy, or small
75 hardware items;
- 76 ii. Contain or wrap frozen foods, meat, or fish, whether prepackaged or not;
- 77 iii. Contain or wrap flowers, potted plants, or other damp items;
- 78 iv. Contain unwrapped prepared foods or bakery goods;
- 79 v. Contain a newspaper;
- 80 vi. Contain garments or dry-cleaned clothes, including suits, jackets, and dresses;
81 or
- 82 vii. Contain ice.
- 83 2. Plastic bags sold in packages containing multiple plastic bags; or
- 84 3. A plastic bag provided by a retail establishment to take live fish, insects, mollusks, or
85 crustaceans away from the retail establishment.

86 “Reusable carryout bag” means a bag with stitched handles that is specifically designed and
87 manufactured for multiple reuse and is made of:

- 88 A. Cloth or other washable fabric; or
- 89 B. A durable material suitable for multiple re-use that is not made of plastic film.

“Retail establishment” means a store, a food service facility, or any other establishment that provides bags to its customers as a result of the sale of a product.

5.69.020 – Prohibition on providing plastic carryout bags

A. On or after June 30, 2023, a retail establishment may not provide a plastic carryout bag to a customer.

B. On or after June 30, 2023, a retail establishment shall charge, collect, and retain at least 10 cents for each paper carryout bag and reusable carryout bag that it provides to a customer.

C. A retail establishment may not advertise, hold out, or state to the public or to a customer, directly or indirectly, that reimbursement of any part of the money collected under this section will be assumed or absorbed by the retail establishment or refunded to the customer.

D. A retail establishment shall indicate on the consumer transaction receipt the number of paper and reusable carryout bags provided by the retail establishment and the total amount of money charged.

5.69.030 – Penalties

A. Subject to the provisions of 5.69.030(D), a retail establishment found in violation of this section shall be guilty of a municipal infraction and shall be subject to a fine not to exceed \$500.00.

B. The provision of one or more plastic carryout bags at a single point of sale is a single violation.

C. The failure to charge the fees required under 5.69.020(B) for the provision of one or more paper or reusable carryout bags at a single point of sale is a single violation.

D. A penalty may not be imposed under this section unless a retail establishment is first issued a written notice of violation.

E. Each instance that the retail establishment commits a violation constitutes a separate offense.

5.69.040 – Enforcement

A. This Chapter shall be enforced by City of Salisbury Code Enforcement Officials.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

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134 **ATTEST:**

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Kimberly R. Nichols, City Clerk

John R. Heath, City Council President

Approved by me, this _____ day of _____, 2022.

Jacob R. Day, Mayor



Shop Green SBY

Comprehensive Plastic Bag Reduction Ordinance

Julia Glanz

City Administrator

Elise Trelegan

Mayor's Sustainability Advisory
Committee (Green Team)



Why Shop Green SBY?

- Voluntary reduction programs are unsuccessful
- Plastic bag recycling rates are very low - around 5%



Plastic Bags are one of the biggest challenges that the County's Landfill has to deal with on a daily basis



From the Community...

- “Salisbury is increasing in the visible litter and trash along roadsides and in neighborhoods ”
- “Plastic bags and soda cans are the types of litter that stand out the most”
- “... what we really need is a ban on plastic bags , water bottles , and other single use items ”
- “Supermarkets should get rid of plastic bags .
Encourage reusable bags ”



Basics of the Ordinance

- Prohibits retailers from providing plastic carryout bags to customers at point of sale.
- Encourages customers to bring their own reusable bags
- Requires retailers to charge 10 cents per paper bag if a customer requires a bag

The goal of the ban is not to switch to paper bags, but instead to encourage regular use of reusable bags.



Building on Success

- Interviewed leaders from 7 jurisdictions in MD who have implemented bag bans.
- Created series of lessons learned on:
 - Communication w/ retailers
 - Communication w/ residents
 - Equity and accessibility
 - Community partnerships



“ A resounding finding of the interviews is that **every leader described that the ban had been received positively** , that the majority of their constituents were fine with or even supportive of the bag ban ... Leaders also shared that they have seen **no evidence of businesses moving outside of the city/county limits** or people changing the stores in which they were shopping. ”



Example Lessons

- Fewer “exceptions” in the ordinance = reduces confusion for both residents and businesses
- The 10 cent fee is key for incentivizing people to move from plastic to reusable (not to simply move to paper)
- Communication is of the utmost importance. A thoughtful comms strategy (rec. 6 months) will ensure a smooth implementation

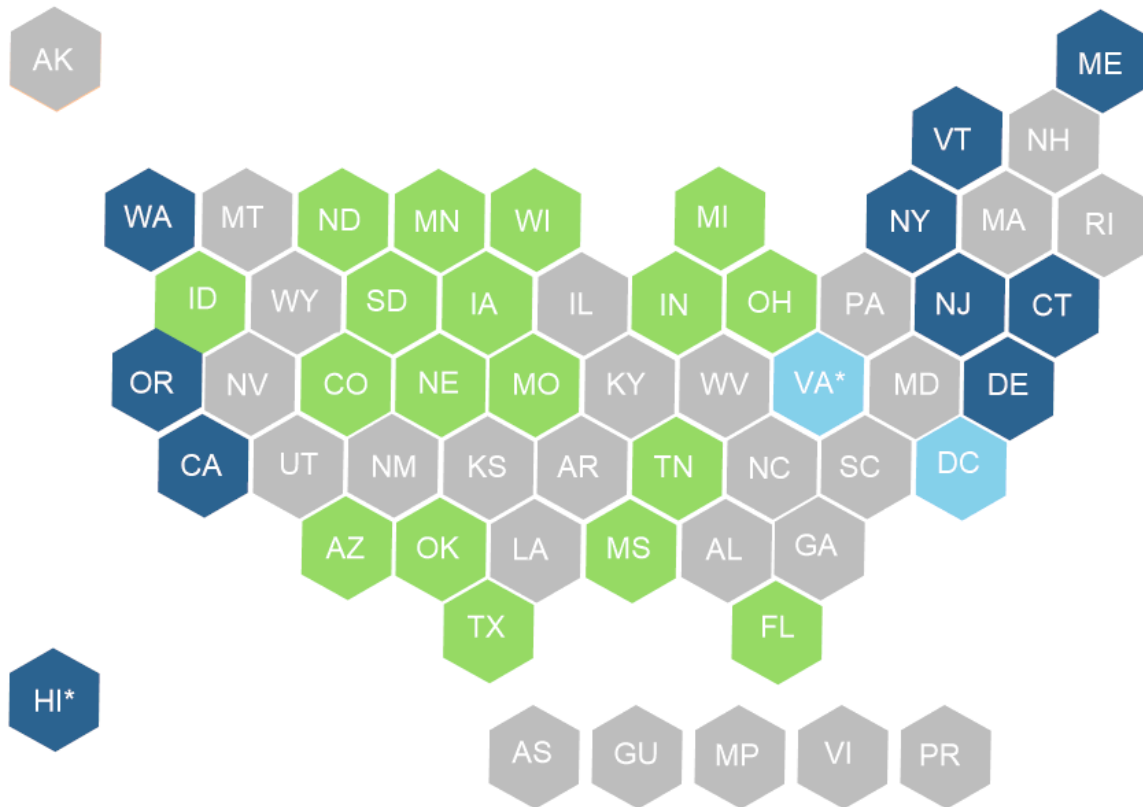


Ensuring an Equitable Roll Out

- Communication materials developed in multiple languages
- Partnering with trusted community organizations (library, food banks, community centers, etc) to get bags to those who need them most
- Leveraging outreach strategies and material budgets that partner organizations already have to maximize impact across the community



It's Possible



Source: National Conference of State Legislators



Business Buy In

- Hosted a number of conversations with businesses
- 9 out of 10 Chamber members support this
- 10 cent fee will offset the cost of bags for businesses
- Opportunity for advertising and incentives with reusable bags



Setting SBY Up for Success:

- ❑ Green Team developed Communications and Community Engagement Plan
- ❑ 6 month roll out to allow for stock drawdown and business and resident education



Questions?

SHOP GREEN SBY

SKIP THE BAG, SAVE THE RIVER.



The City of Salisbury's ban on single-use plastic bags will begin on **JUNE 30, 2023**.

WHY THE BAN?

To reduce litter and protect our environment. Single-use plastic bags are one of the top polluters of the Wicomico River and the Chesapeake Bay.

WHO IS AFFECTED?

ALL supermarkets, corner stores, shops, convenience stores, restaurants, gas stations, and other sales outlets are prohibited from providing customers with single-use plastic bags at point of purchase.

Banned

Single-use plastic bags



Allowed

Reusable bags and paper bags (+10¢)



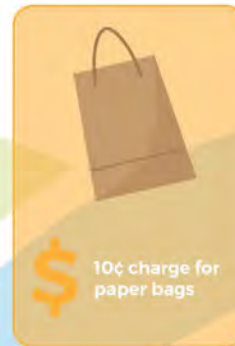
For more information on Shop Green SBY, please visit salisbury.md/shopgreensby.

SHOP GREEN SBY

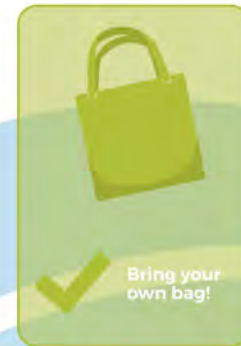
SKIP THE BAG, SAVE THE RIVER.



No single-use plastic bags



10¢ charge for paper bags



Bring your own bag!

salisbury.md/shopgreensby



SKIP THE BAG, SAVE THE RIVER.