

**AS AMENDED ON JULY 22, 2024
ORDINANCE NO. 2878**

**AN ORDINANCE OF THE CITY OF SALISBURY AMENDING TITLE 10,
ENTITLED “HEALTH AND SAFETY” OF THE SALISBURY CITY CODE,
BY ADDING A NEW CHAPTER 8.36 ENTITLED “ABANDONED
SHOPPING CARTS.”**

WHEREAS, the ongoing application, administration, and enforcement of the City of Salisbury Municipal Code (the “**Salisbury City Code**”) demonstrates a need for its periodic review, evaluation and amendment, in order to 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, the Mayor and Council may amend the Salisbury City Code pursuant to the authority granted in § SC 2-15 of the Salisbury City Charter;

WHEREAS, the Mayor and Council finds that abandoned shopping carts are a nuisance, create potential health and safety hazards to the public, and interfere with pedestrian and vehicular traffic within the City;

WHEREAS, the accumulation of wrecked, abandoned, and dismantled shopping carts on public or private property creates conditions that reduce property values and promotes blight and deterioration;

WHEREAS, the Mayor and Council find that the health, safety, and general welfare of the citizens of the City will be furthered by amendments to Title 8 of the Salisbury City Code; and

WHEREAS, the Mayor and Council have determined that the amendments to Title 8 of the Salisbury City Code set forth below shall be adopted as set forth herein.

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

Section 1. Title 8 of the Salisbury City Code, is hereby amended by adding the bolded and underlined language as follows:

Chapter 8.36 – ABANDONED SHOPPING CARTS

8.36.010 – Intent and Declaration of Nuisance

- A. The City of Salisbury has determined that the unauthorized removal of shopping carts, or parts thereof, on public and private property from retail establishments constitutes a nuisance, creates potential hazards to the health and safety of the public, and interferes with pedestrian and vehicular traffic. The accumulation of wrecked, dismantled, and**

abandoned shopping carts on public and private property creates conditions that reduce property values and promote blight and neighborhood deteriorations within the City.

- B. The intent of this chapter is to ensure that cart owners take measures to prevent the removal of shopping carts from business premises, to make the removal of shopping carts a violation of this Code and to facilitate the retrieval and return of lost, stolen, or abandoned shopping carts in a manner that complements and supplements provisions of state law.
- C. This chapter is not intended to duplicate state law or regulate any matters pertaining to shopping carts which are the subject of state law.
- D. To the extent any provision of this chapter is determined to be preempted by state law, it shall be deemed severed from all other provisions of this chapter and such other provisions shall remain in full force and effect.

8.36.020 – Definitions

For purposes of this chapter, the following words have the following meanings:

“Abandoned cart” means any shopping cart that has been removed without written permission of the cart owner or on-duty manager from the premises of a business establishment, regardless of whether it has been left on either private or public property.

“Business establishment” means a location where a business is conducted, goods are made or stored or processed or where services are rendered.

“Business premises” means the entire area owned and utilized by a business establishment that provides shopping carts for use by customers, including any parking lot or other property provided by the cart owner for customer parking.

“Cart owner” means any person or entity, who:

- (1) in connection with the conduct of a business establishment owns, leases, possesses, uses, or otherwise makes any shopping cart available to customers or the public; or
- (2) is the on-site or designated agent of a person or entity described in (1) that provides the shopping carts for use by its customers.

“Director” means the Director of the Housing and Community Development Department.

“Enforcement official” means a Code Compliance Officer or other official as designated by the Director.

“Person” means an individual, corporation, partnership, limited liability company, or other legal entity.

“Public place” means every class of road, sidewalk, parking lot, and other areas publicly owned and operated, or privately owned and open to the public, or a segment thereof, excluding the interior or parking area of any establishment where shopping carts are made available.

“Qualified cart retrieval service” means a City-approved commercial service operated by a third party and paid by a cart owner to retrieve and return shopping carts.

“Shopping cart” means a basket which is mounted on wheels or a similar device provided by a business establishment for use by a customer for the purpose of transporting goods of any kind, including, but not limited to, grocery store shopping carts.

8.36.030 – Enforcement Authority

The Director, and his or her designees, including designated code enforcement officers, shall have the authority and powers necessary to determine whether a violation of this chapter exists and to take appropriate action to gain compliance with the provisions of this chapter and applicable state codes. These powers include the authority to impound shopping carts, issue administrative citations, inspect public and private property, impose civil penalties for any violation of this chapter, or pursue criminal actions.

8.36.040 – Unauthorized Removal Unlawful

It shall be unlawful for any person, either temporarily or permanently, to remove a shopping cart from a business premises or be in possession of a lawfully marked shopping cart that has been removed from a business premises without written consent of the cart owner authorized by this chapter or for the purpose of repair, maintenance, or disposal.

8.36.050 – Abandonment Prohibited

It shall be unlawful for any person to cause or permit any shopping cart to be abandoned on or upon any private property sidewalk, street, or other public area, other than the business premises of the cart owner.

8.36.060 – Cart Identification Required

Each shopping cart made available for use by customers shall have identification signage permanently affixed to it that includes the name of the business establishment.

8.36.070 – Cart Removal Warning Signs

All cart owners shall display and maintain conspicuous signs on the business premises near all customer entrances and exits and throughout the premises, including the parking area, warning customers that removal of shopping carts from the premises is prohibited by City law.

8.36.080 – Written Permission Required for Off-premises Use of Cart

A cart owner may authorize a customer off-premises use of a shopping cart for transportation of purchased items so long as:

- A. The authorization is in writing;**
- B. The writing includes the date and time the authorization was given; and**

C. The shopping cart is returned to the cart owner's premises within seventy-two (72) hours of the authorization.

8.36.090 – Impoundment and Fines

A. The City may retrieve and impound any abandoned cart, or any shopping cart observed in a location outside the cart owner's premises.

B. The City may immediately impound:

1. Any lost, stolen, or abandoned cart on any public property within the City without prior notice to the cart owner; or

2. Any shopping cart within the City to which the required identification signage is not affixed.

C. For each lost, stolen, or abandoned shopping cart impounded by the City, the City shall issue a twenty-five dollar (\$25.00) fine to the cart owner, unless the cart owner can demonstrate it took adequate procedures to prevent cart abandonment, loss, or theft, as reasonably determined by the Director or his or her designee.

8.36.100 – Disposition of Carts

A. Where the City has impounded and accumulated more than ten shopping carts belonging to a single cart owner, the City shall return the impounded shopping carts to the nearest location of the cart owner, at which time the cart owner will be fined for each shopping cart.

B. Any shopping cart that does not have the appropriate identification signage shall be held for thirty (30) days after which the City may dispose of the shopping cart.

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 8th day of July, 2024 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 22nd day of July, 2024

ATTEST:




Kimberly R. Nichols
City Clerk



D'Shawn M. Doughty
City Council President

Approved by me, this 25 day of July, 2024.



Randolph J. Taylor
Mayor



To: City Council

CC: Kim Nichols, Julie English

From: Muir Boda, Director of Housing & Community Development

Subject: Abandoned Shopping Cart Ordinance

Date: 3/12/2024

Council,

As we discussed in the March 12, 2024 work session with regards to abandoned shopping carts, we have prepared a draft ordinance for your consideration. This ordinance will add a new chapter in section 8.36 – Health & Safety of the Salisbury Municipal Code. This allows for Code Compliance Officers to immediately abate an abandoned shopping cart when they encounter them and it defines the process of when we would return them to the business.

Key points that this legislation addresses:

- Businesses that provide shopping carts are required to post cart removal warning signs.
- Businesses that provide shopping carts are required to identification signing or branding on their carts.
- A cart owner (business) may provide a letter for a customer that uses the cart off premises with a return of 72 hours.
- Code Compliance Officer will immediately abate abandoned shopping cart.
- When the City has collected at least 10 carts they will be returned to the business and issues a citation with a fine of \$25.00 per cart.

We believe this legislation creates a manageable process for HCDD and will be effective in abating carts quicker. We hope that this would encourage businesses with shopping carts to either develop processes to reduce the number of carts leaving their property or become proactive in picking up their carts around the city.

Muir Boda
Director HCDD



Housing & Community Development Department
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