

## 10-1-1121: SHOPPING CART CONTAINMENT:

A. DEFINITIONS. The following words and phrases as used in this Section shall have the meanings ascribed to them unless otherwise noted:

**ABANDONED SHOPPING CART:** Means a shopping cart located outside the store premises of the business establishment which furnishes the shopping cart for use by its patrons.

**SHOPPING CART:** Means any basket, platform, or similar device of any size, mounted on wheels or a similar device, including parts thereof, provided by a store operator for the purpose of transporting goods of any kind on the store premises of that business establishment. This definition shall include laundry carts provided by owners and operators of laundry facilities, such as Laundromats.

**SHOPPING CART OWNER:** Means the owner and/or the tenant of the store premises and their officers, employees, contractors and agents.

**STORE PREMISES:** Means the area within the business establishment and any lot area, maintained and managed by the business, that may include the building, parking lot, loading areas, and adjacent driveways and walkways, and where the business' shopping carts are utilized.

## B. ADMINISTRATION.

Except as otherwise provided in this Chapter, the provisions of this Section shall be administered and enforced by the Community Development Department of the City. In enforcing the provisions of this Section, employees of the aforementioned department may enter onto private property to survey or examine a shopping cart or parts thereof, or to obtain information as to the identity of a shopping cart owner, and to remove, or cause the removal of, a shopping cart, or parts thereof consistent with state law.

## C. SHOPPING CART CONTAINMENT.

All shopping carts shall be effectively contained or controlled within the boundaries of the store premises.

(1) —Effectively contained or controlled|| means the number of shopping carts removed from store premises (cart loss) over a twenty-four (24) hour period, between the hours of 12:00 AM and 11:59 PM the following day, shall not exceed the —cart loss threshold|| established and amended from time to time by resolution of the Council. Cart loss shall be based upon available documentation, including, but not limited to, code enforcement field observations.

(2) Any shopping cart owner who fails to contain shopping carts within the cart loss threshold set by the City Council pursuant to this Section, as evidenced by the issuance of a Notice of Violation, shall implement one or more shopping cart containment methods which results in achievement of the cart loss threshold, that is, loss of no more than five (5)

shopping carts per twenty-four (24) hour period.

#### D. MONITORING AND REPORTING.

(1) Upon request, shopping cart owners shall provide to the Director information, including but not limited to, information concerning shopping cart use, loss and recovery specific to that business location, and such other information deemed reasonable by the Director to determine the adequacy of the shopping cart containment system or control method.

(2) All shopping cart owners shall post a sign made of permanent, weather-resistant materials not less than eighteen (18) inches in width and twenty-four (24) inches in height with block lettering not less than one-half (1/2) inch in width and two (2) inches in height in a conspicuous place on the building within two (2) feet of all customer entrances and exits stating, at a minimum, the following:

REMOVAL OF SHOPPING CARTS FROM THE PREMISES IS PROHIBITED BY LAW. B & P Code Section 22435.2

#### E. NOT EXCLUSIVE MEANS FOR REGULATING SHOPPING CARTS.

This Section is not to be construed as the exclusive regulation of wrecked, dismantled or abandoned shopping carts within the city. It shall supplement and be in addition to other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the city, state or any other legal entity or agency having jurisdiction, including Section 22435 et seq. of the Business and Professions Code (B & P Code).

#### F. SHOPPING CARTS WITHOUT SIGNAGE.

Shopping carts located outside of store premises which do not meet the signage requirements specified in B & P Code Section 22435.1, as that section may be amended from time to time, shall be abated in accordance with Section 5-3-207 of this Code, as that section may be amended from time to time. The owners of such carts shall pay all expenses of removal and storage as provided in Section 5-3-207.

#### G. ENFORCEMENT.

Any owner, operator, manager, employee and/or independent contractor of a shopping cart owner violating or permitting, counseling, or assisting the violation of any of these provisions regulating shopping carts, shall be guilty of a misdemeanor, and any conviction thereof shall be punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the County jail for not more than six (6) months, or by both such fine and imprisonment. Any violation of these provisions shall constitute a separate offense for each and every day during which such violation is committed or continued.

#### H. SEVERABILITY.

This section and the various parts thereof are hereby declared to be severable. Should any

part of this section be declared by the courts to be unconstitutional or invalid, such decisions shall not affect the validity of this section as a whole, or any portion thereof other than the part so declared to be unconstitutional or invalid. [Added by Ord. No. 3716, eff. 9/23/07.]