

**CITY OF OROVILLE
ORDINANCE NO. 1727**

Chapter 14
Article IV – Shopping Carts

Division 1. General.

14.26.101 Findings and Declaration.

The accumulation of wrecked, dismantled or abandoned shopping carts, or parts thereof, on public or private property is found to create a condition tending to reduce property values, to promote blight and deterioration, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to be aesthetically detrimental to the community and to be injurious to the health, safety and general welfare. Responsibility for minimizing or eliminating this impact rests with individuals who use shopping carts and the businesses which provide shopping carts for their patrons. The intent of this article is to ensure that measures are taken by store owners to prevent the removal of shopping carts from store premises and parking lots, to make the removal of shopping carts a violation of this article, and to facilitate the retrieval of abandoned carts as permitted by State of California law. The presence of wrecked, dismantled or abandoned shopping carts, or parts thereof, on public property, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this article.

Division 2. Definitions.

14.26.201 Definitions.

The following words and phrases shall have the meanings ascribed to them unless otherwise noted:

- A. “Abandoned shopping cart” means a shopping cart located outside the premises or parking lot or facility of the business establishment which furnishes the shopping cart for use by its patrons.
- B. “Action plan” is a plan that retail owners will have and use for the recovery of off-premise shopping carts when violations are reported.
- C. “Cart retrieval company” or “Cart retrieval service” is a company, corporation or individual that finds off-premise shopping carts and returns the carts to their rightful Owners.
- D. “City” shall mean the City of Oroville.

- E. "Department Head" shall be the city department, its director or deputy director, or other person so designated either by the City Council or City Code or ordinance as responsible for enforcement of the provisions of this article.
- F. "Off-Premise" means not within the lot area of the business establishment.
- G. "Shopping cart" means any basket 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 within a business establishment or designated parking or loading area of that business establishment.
- H. "Shopping cart owner" or "Owner" means the owner of the shopping cart, the agent of the owner of the shopping cart, including individuals or business entities, or business establishments which furnish the shopping cart for use.
- I. "Store premises" means the lot area maintained and managed by the business that may include the building, parking lot and adjacent walkways, and where the business' shopping carts are permitted.

Division 3. Enforcement.

14.26.301 Administration and Enforcement.

The Director of Community Development and Public Works and the Police Chief, hereinafter referred to collectively as "department head," shall enforce the provisions of this article. Employees of the aforementioned departments may enter onto public or private property as permitted by California law to 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 cart, or parts thereof, declared to be a nuisance pursuant to this article.

14.26.302 Retrieval.

All shopping cart owners shall secure, prevent, and retrieve shopping carts which have been removed from their store premises.

Division 4. Shopping Cart Requirements.

14.26.401 General Requirements.

1. All shopping cart owners shall permanently affix a sign to their shopping carts identifying the owner of the shopping cart and notifying the public of the procedure utilized for unauthorized removal of the cart from the store premises and that unauthorized removal of the shopping cart from the store premises or parking area of the retail establishment or the unauthorized possession of the shopping cart is a violation of state law with a valid telephone number or address for returning the shopping cart removed from the store premises or parking area to the owner.

2. Upon request, shopping cart owners shall provide to the department head information, including but not limited to, a report concerning shopping cart use, loss and recovery specific to that business location, and such other information deemed

reasonable by the department head to determine the adequacy of the shopping cart containment system or control method.

3. All shopping cart owners shall provide the department head a name of a contact person and phone number whom shall be responsible for the collection of off-premise shopping carts when cart violations occur. Such person shall be capable of being contacted during normal business hours, seven days a week.

4. All shopping cart owners shall provide the department head an action plan regarding shopping cart recovery of off-premises carts.

a. If carts are not retrieved 72 hours after notification by the City more than 15 times in a 6-month period, the Owner's "action plan" will be deemed invalid. Once an action plan is deemed invalid, the Owner shall comply with 14.26.402 pertaining to Shopping Cart Control Measures.

5. All shopping cart owners shall post a sign in English and Spanish not less than eight and half (8.5) inches in height and fourteen (14) inches width with block lettering in a conspicuous place on the building within four (4) feet of all customer entrances and exits stating, at a minimum, the following:

REMOVAL OF SHOPPING CARTS FROM THE PREMISES IS
PROHIBITED BY LAW.

California Code
Business & Professions Code § 22435.2
Code of the City of Oroville § 14-26

14.26.402 Shopping Cart Control Measures.

All shopping cart Owners shall effectively contain, control, and prevent shopping carts from leaving the boundaries of the premises. Owners shall actively retrieve all shopping carts that have been taken off premises. In the event an action plan fails, Owners shall use the following procedure to retrieve shopping carts that have been abandoned off-premises.

- a) The Owner of shopping carts, at Owners expense, shall hire a cart retrieval company. The hired cart retrieval company shall sign a service agreement contract with the Owner(s) of shopping carts. The sole responsibility of cart retrieval company shall be to retrieve off-premise shopping carts for all Owners.
- b) In the event that Owner(s) fail to utilize the cart retrieval service, or to follow cart prevention measures which result in shopping carts being abandoned off-premise resulting in City personnel picking up and storing shopping carts, the following requirements shall be applied.
 - 1) The Owner shall be required by the City to install a standardized cart containment system with a wheel locking or stopping mechanism that is used in conjunction with an electronic or magnetic barrier along the perimeter of the store premises. The wheel locking or stopping mechanism shall activate when the shopping cart crosses the electronic or magnetic barrier.

14.26.403 Unauthorized removal or possession.

Procedures related to removal and possession of any shopping carts shall be in accordance with Business and Professions Code, § 22435.2 – 22435.5.

14.26.404 Shopping cart violations – Infraction.

Any person who violates any of the provisions of this article is guilty of an infraction punishable by a fine as provided in Government Code Section 36900.

14.26.405 Shopping carts - abatement, removal and storage.

Procedures related to authorization for abatement, removal and storage of abandoned shopping carts shall be pursuant to Business and Professions Code, § 22435.7.

14.26.406 Penalties and Fines

a) In addition to the infraction penalty, any shopping cart not reclaimed by the owner or his or her agent within three (3) business days following the date of actual notice of abandoned shopping carts shall be subject to paying the following fine schedule:

1. A fine not exceeding ten (\$10.00) for the first violation;

2. A fine not exceeding twenty-five dollars (\$25.00) for a second violation of the same section of this article within six months;

3. A fine not exceeding fifty dollars (\$50.00) for the third violation, and for each subsequent violation of the same section of this article within six months.

b) City administrative fees for the removal and storage of shopping carts shall be established or modified by resolution of the City Council and shall include the actual cost of removal and storage of any shopping cart, or parts thereof, plus the proportionate share of administrative costs in connection therewith. The schedule for such fees shall remain on file and be available in the Finance Department of the City.

14.26.407 Payment of Fines and Fees

(a) All fines and fees shall be due and payable within thirty (30) days after issuance of the fine.

PASSED AND ADOPTED

on October 4, 2005