

CHAPTER FOUR: BUSINESS ACTIVITIES

Subchapter 4.11: Shopping Cart Removal, Impoundment and Disposal

4.11.010 Findings and Purpose.

Abandoned shopping carts constitute a nuisance, create potential hazards to the health and safety of the public, and interfere with pedestrian and vehicular traffic within the Town of Colma. The accumulation of abandoned shopping carts on public or private property also tends to create conditions that reduce property values, promoting blight and deterioration in the Town. The intent of this Chapter is to insure that measures are taken by retail business establishment owners to prevent the removal of shopping carts from retail business establishment premises and parking lots, to make the removal of shopping carts a violation of this Code, and to facilitate the retrieval of abandoned carts as permitted by State law.

[History: ORD. 575, 6/14/00]

4.11.020 Definitions.

(a) *Cart.* Cart shall mean 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.

(b) *Owner.* Owner shall mean any person or entity, who in connection with the conduct of a business, owns, possesses or makes any cart available to customers or the public. For purposes of this chapter owner shall also include the owner's on-site or designated agent that provides the carts for use by its customers.

(c) *Premises.* Premises shall mean the entire area owned and utilized by the business establishment that provides carts for use by customers, including any parking lot or other property provided by the owner for customer parking.

(d) *Abandoned Cart.* Any cart that has been removed from the premises of the business establishment, regardless of whether it has been left on either private or public property, is considered to be an abandoned cart.

[History: ORD. 575, 6/14/00]

4.11.030 Required Signs on Carts.

Every cart owned or provided by any business establishment in the Town of Colma must have a sign permanently affixed to it that contains the following information:

(a) Identifies the owner of the cart or the name of the business establishment, or both

(b) Notifies the public of the procedure to be utilized for authorized removal of the cart from the business premises;

(c) Notifies the public that the unauthorized removal of the cart from the premises or parking area of the business establishment is a violation of State and Town of Colma law;

- (d) Lists a telephone number to contact to report the location of the abandoned cart; and
- (e) Lists an address for returning the cart to the owner or business establishment.
- (f) Lists an identification number for the cart.

[*History:* ORD. 575, 6/14/00]

4.11.040 Required Signs on Property.

Signs shall be placed in pertinent places near door exits and near parking lot exits warning customers that cart removal is prohibited and constitutes a violation of state and local law. The following specifications shall apply:

- (a) Text shall notify the public that the unauthorized removal of the cart from the premises or parking area of the business establishment is a violation of State and Town of Colma law;
- (b) Signs shall measure 18 x 24 minimum;
- (c) Lettering shall measure minimum 1 inch height;
- (d) Signs shall be mounted 60 inches above the finished grade to the centerline of the sign.

[*History:* ORD. 575, 6/14/00]

4.11.050 Prohibiting Removal or Possession of Abandoned Cart.

(a) It shall be unlawful to either temporarily or permanently remove a cart from the premises or parking area of a business establishment without the express prior written approval of the owner or on-duty manager of the business establishment. Written permission shall be valid for a period not to exceed 72 hours.

(b) It shall be unlawful to be in possession of a cart that has been removed from the premises or parking area of a business establishment unless it is in the process of being immediately returned to the owner or business establishment

(c) This section shall not apply to carts that are removed for the purposes of repair or maintenance.

[*History:* ORD. 575, 6/14/00]

4.11.060 Cart Retrieval Programs.

A retail business establishment may participate in the Town of Colma retrieval program or elect to contract its own retrieval program. The participation or election must be in writing in a form satisfactory to the City Manager.

(a) Retail business establishments who participate in the Towns Retrieval Service will be provided the following service:

(1) Up to ten shopping carts per week will be collected and returned by the Town with no charge to the retail business establishment.

(2) If more than ten carts are returned, the retail business establishment shall pay the Town \$5.00 per additional cart beyond the first ten carts.

(b) If a retail business establishment elects to have its own retrieval service, carts from those retail business establishments would be left in place for the retail business establishments' own retrieval vendor to collect. To qualify under this provision, the retail business establishments retrieval program must meet these standards:

(1) A minimum of three (3) pickups per week, with at least one weekend pickup no earlier than 5:00 PM each Saturday;

(2) Shopping carts are not left outside the premises or parking lot of a retail establishment more than 48 hours.

[History: ORD. 575, 6/14/00]

4.11.070 Notification and Impoundment.

(a) Except for shopping carts of businesses which participate in one of the programs described in the previous section of this ordinance, a shopping cart that has a sign affixed to it in accordance with section 4.11.030 may be impounded by the Town provided that:

(1) The shopping cart is left outside the premises or parking area of a retail establishment; and

(2) Except as provided in the next section, the shopping cart is not retrieved within three business days from the date the owner of the shopping cart, or his or her agent, receives actual notice from the Town of the shopping carts discovery and location.

[History: ORD. 575, 6/14/00]

4.11.080 Administrative Costs And Fines.

(a) Pursuant to Business and Professions Code Section 22435.7, any owner of a shopping cart, or his or her agent, that fails to retrieve its abandoned cart(s) after receiving the three-day notice described in section 4.11.070, shall pay the Town a fine not to exceed \$50.00 for each occurrence in excess of three during the prior six months.

(b) The failure to retrieve abandoned carts in accordance with this Chapter in excess of three times during a specified six-month period shall be considered a nuisance which may be abated in accordance with the Towns Nuisance Abatement Ordinance (Municipal Code Chapter 1.11). In any proceeding under said ordinance, the City may move for an administrative fee set to offset the administrative costs for retrieving the cart(s) and providing the notification to the Owner.

[History: ORD. 575, 6/14/00]

4.11.090 Disposition of Carts After Thirty Days.

According to State Law, any cart not reclaimed from the Town within thirty (30) days after notification to the owner may be sold, recycled, or otherwise disposed of by the Town.

[History: ORD. 575, 6/14/00]