

Attachment A**Shopping Cart Containment Program
Summary**

Goal- to address a wide-range of business and community concerns relating to the proliferation of shopping carts being removed from businesses and left in public areas. The proposed Shopping Cart Containment program was developed with three key goals in mind: 1) reduce neighborhood blight caused by abandoned shopping carts, 2) make businesses part of the solution in addressing this issue, while providing flexibility as to what type of solution to implement, and 3) keep city costs to a minimum. While there is some state legislation related to enforcement of abandoned shopping carts, staff is recommending that an ordinance be adopted to enhance enforcement capability and provide greater local control over the issue.

Applicability- staff is recommending the City Council and Planning Commission adopt a changes to the zoning ordinance to provide for a Shopping Cart Containment program. To ensure sufficient opportunity for education and compliance, it is recommended that the elements outlined below shall not be enforced during a 180-day compliance period after the ordinance becomes effective.

Education- prior to implementation of the new program the City will undertake an educational campaign informing citizens and businesses of the new regulations. This will begin during the 180-day compliance period and continue through business licensing operations.


Cart Identification- it is recommended that current requirements be enhanced to ensure that all carts have a permanently affixed store identification placard. This will assist in the identification, tracking and retrieval process.

Cart Removal- through the proposed ordinance it will become unlawful to remove a cart from the premises of a business or to be in possession of a cart removed from a business. In addition businesses will be required to post signed indicating that cart removal is prohibited. Stores will be encouraged to provide other means for transporting groceries or purchased merchandize home for people who need assistance (e.g. small foldable carts).

Cart Containment- the current cart retrieval system is not working. To stem the problem at the source, it is proposed that a new program be implemented so businesses work to keep carts on their property. The program will provide a number of containment options that businesses can utilize including, disabling device, security personnel, security deposits/rental carts, restrictors or other methods as deemed appropriate to impede the removal of carts.

Violations- business owners found to be in violation of signage and cart identification shall be subject to zoning citation fees. Businesses whose carts are found off-site for more than a 24-hour period shall be subject to a \$100 fine.



Date: August 8, 2005
To: Housing and Neighborhood Committee
From:  Suzanne Frick, Director of Planning and Building
Subject: Proposed Strategies for Shopping Cart Management

INTRODUCTION

In response to long standing concerns over abandoned shopping carts found in neighborhoods and the costs incurred by the City for retrieval, the City Council and Housing and Neighborhoods Committee directed staff to review and evaluate policy options and to consider an ordinance to address shopping cart removal and retrieval.

Based on public testimony, and a recent field survey throughout the City, the current retrieval system is not working. This report provides background information, analyzes options and presents a recommendation on how to manage and control shopping carts in Long Beach.

DISCUSSION

Previous City Council Actions

Abandoned shopping carts are a persistent problem for many cities in California, including the City of Long Beach. Over the last five years the City Council has responded to resident concerns about the aesthetic and neighborhood impacts abandoned shopping carts pose.

In August 2000, at the request of Councilmember Dan Baker, the City Council referred the issue of abandoned shopping carts to the Housing and Neighborhoods Committee for a report. After conducting public hearings, recommendations were developed and considered. At that time, the City Council decided not to enact mandatory cart control systems, but to continue monitoring the cart retrieval program initiated in August 1999.

On January 15, 2002, at the request of Councilmember Bonnie Lowenthal, the City Council requested a report on the types of shopping cart containment systems. These systems are designed to prevent carts from being taken off the premises. On June 14, 2005, the City Council considered a proposed ordinance modeled after the City of Atwater's existing ordinance, adopted in 2002. This ordinance would require all businesses operating in the City that provide shopping carts for their customers to show proof of a valid retrieval contract at the time of business license renewal and to mark all carts. At the conclusion of

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the Council's discussion, the item was referred to the Housing and Neighborhoods Committee for consideration.

Existing State Regulations

Shopping cart abandonment and impound is regulated by the State Business and Professional Code (BPC, Section 22435 through 22435.13). The State statute defines the conditions under which a city can impound an abandoned cart. A city may impound and dispose of shopping carts by following the following procedures:

Scenario 1:

If the City provides notice to the cart owner that the cart has been found and identifies the location where it has been found, AND EITHER:

- 1) The cart is not retrieved within three business days after receipt of actual notice

OR

- 2) The cart impedes emergency services

THEN:

- 1) The cart may be impounded AND
- 2) The City may recover its actual costs for removing and impounding the cart

PROVIDED THAT

The cart is held at a location that is BOTH:

- 1) Reasonably convenient AND
- 2) Open for business at least 6 hours each business day.

If the cart is unclaimed after a period of 30 days following receipt of a "notice of violation" the cart may be sold or destroyed. A fine of \$50.00 may be imposed for such a violation but only after three violations occur in a six-month period.

Scenario 2:

A cart may be immediately impounded PROVIDED THAT

- 1) Within 24 hours following the impound, the owner is provided with actual notice of the impound AND
- 2) The notice informs of the location where the cart was found AND
- 3) The cart is held at a location that is BOTH
 - a. Reasonably convenient AND
 - b. Open for business at least 6 hours each business day.

If the cart is reclaimed within 3 business days after the actual notice:

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THEN

- 1) No storage or impound fees apply AND
- 2) The incident does not count towards the 3 violations in six months and \$50.00 fine

If the cart is not reclaimed within three business days after the actual notice:

THEN

- 1) The City may recover its actual costs AND
- 2) The incident counts towards the three violations in six months and a \$50.00 fine.

If the cart is not reclaimed within 30 days of actual notice, the cart may be sold or destroyed.

Provisions of State law that require noticing (2-3 working days) and allow carts to remain off-site for a minimum of 72 hours (3 working days) creates quality of life concerns. Neighbors reporting an abandoned cart want the cart removed promptly. However, State law limits the City's ability to respond quickly, a cart must remain in place for a period of up to 5 days. State legislation in recent years (SB1528, 2002) attempted to reduce the waiting period to 48 hours, however the legislation was not enacted.

As outlined above, the State preempts the City's ability to adopt regulations for retrieving and impounding carts. Because of this, some cities are considering alternative cart management approaches. Instead of focusing regulations on retrieving and impounding, some cities are considering or have enacted zoning standards to mandate implementation of on-site containment measures. The alternative approaches are outlined later in this report.

Existing Cart Retrieval Program in Long Beach

Carts retrieved within Long Beach are picked up by the California Shopping Cart Retrieval Corporation (CSCRS). Founded in 1993, CSCRS is a subsidiary of the California Grocers Association and is the largest cart retrieval service in Southern California. Its member stores include all of the major grocery and retail stores and a majority of medium to small franchise and specialty stores.

The City entered into a contract with CSCRS in August 1999 to retrieve carts belonging to non-member stores. The contract costs the City \$300 per month, and currently provides daily collection service. On these days, carts from non-member stores are picked up and delivered back to the cart owner, or if unidentified, returned to the City's Operations Center at Temple Avenue and Willow Street. Carts are destroyed as allowed by state law if not claimed within 30 days.

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The Long Beach system for shopping cart retrieval is based on provisions of the Business and Profession Code. At present, most major stores have contracts with a cart retrieval service that picks up carts found off the store premises and returns them directly to the member store. In order for this system to work, all of the carts must have a name of the store or contact information to effectively return the carts.

The cost of a shopping cart ranges from \$180 to \$300 for new carts, and \$85 to \$150 for refurbished carts, depending on style, material, and features. The cost for retrieval of a single cart has been listed anywhere from \$1.50 to \$5 per cart. CSCRS and other cart retrieval companies are paid by individual stores upon returning carts to their individual member stores. Some store have arranged blanket monthly contracts.

According to data provided by CSCRS, 12,901 carts were abandoned in Long Beach during the six-month period between November 1, 2004 and April 14, 2005, an average of approximately 77 carts per day. Of these, nearly 7,600 belonged to Superior, Wal Mart, and Northgate. It is worth noting that the list provided by CSCRS does not include statistics from some of the major grocers that serve the city, such as Ralph's, Pavilion's, and Albertson's. These stores are members subscribing to CSCRS and have their carts returned directly to member stores when retrieved. So the true number of abandoned carts is greater than that reported by CSCRS.

The results of a one-day field survey identified 93 abandoned carts throughout the City. The majority of the carts belonged to the CSCRS members stores such as Ralph's, Vons, Wal Mart and Rite-Aid. Recently, during a community clean-up day on Seventh Street between I-710 and Redondo Avenue, 30 carts from both member and non-member stores were found abandoned in the neighborhood.

Comparative Ordinances

To explore the full range of policy and program options, staff reviewed shopping cart ordinances of more than twenty cities in California. There are two basic approaches, requirements for retrieval and requirements for containment. Retrieval requirements allow carts to migrate off-site and then provide standards on retrieval. Containment regulations are designed to prevent carts from migrating off-site. Approaches taken by cities range from taking no action to requiring all businesses with shopping carts to contain their carts. Some programs have a two-step approach starting with minimal requirements then progressing to more stringent standards such as mandatory containment for problem stores. Because of restrictions in State law, some cities have chosen to regulate shopping carts as a land use issue, making containment a zoning standard. A summary of the cities programs is provided in Attachment A.

Common standards in all the ordinances include marking carts with clear and permanent identification, making it a crime to remove a cart from the store premises and informing customers through signage and markings that cart removal is prohibited. These measures are critical the success of any proposed ordinance.

Other cities provide hotlines to report abandoned carts or provide a form to report abandoned carts on their websites. Calls to several of these hotlines were made as part of the research for this report. Most of the hotlines were answered by voicemail. The City of Alhambra, for instance, has a contract with CSCRS. Presently calls to the Alhambra public works department and requests submitted through the City's website are forwarded to CSCRS by fax or telephone by city staff because the CSCRS is not able to accept calls for service via the Internet. Alhambra staff estimates that 5 to 10 requests are received daily during the peak holiday season. The remainder of the year, the requests average 1 to 2 per day.

It was generally agreed by staff in other cities that not every retail establishment with shopping carts poses a problem. In some cases, establishments with many carts do not experience a high percentage of loss while other relatively small stores lose a high percentage of carts. Overall, the staff felt their cart containment or retrieval ordinances provided an effective tool and were beneficial.

Development of shopping cart containment and retrieval regulations is a complex endeavor. As an example, after nearly three and a half years of discussion and public hearings on the subject, the City of Glendale enacted mandatory containment regulations in May 2005. After considering a variety of possible policies, the Glendale regulations require mandatory containment if a store experiences a loss of 5 carts or more in a single day.

Technologies and Equipment

Containment technologies include physical barriers to keep carts within stores or within parking areas. These barriers can limit pedestrian and required handicapped access. In addition, carts confined to the store's interior can create problems for shoppers with large, unwieldy, or heavy purchases.

Containment technologies such as electronic systems that lock wheels of carts taken beyond an established electronic perimeter can be effective if properly maintained. Systems requiring a deposit to gain access to a cart are becoming more popular in regions of the United States after becoming common in some European countries. Stores that provide customer assistance to their vehicles have proven to be highly effective by some grocers, including Stater Brothers.

Potential Options

Several possible approaches are available to the City. Alternative implementation options are provided below.

Establish requirements for all businesses providing carts for customer use – require permanent identification of all carts, posting signs warning about illegally removing carts from the premises, conducting inventories on a regular basis and other similar provisions.

Require additional information from retrieval companies – don't enact any mandatory regulations until additional information is gathered. Require existing or new retrieval companies to provide detailed information about the location where carts are picked up and the name of the cart's owner. This could include a digital photographic record. The information could be provided in a format that could be geocoded in the City's geographic information system (GIS) to generate a map of cart retrieval hotspots within the city. At present, the extent and severity of the cart abandonment problem in the City of Long Beach is not clearly known due to lack of reliable data.

Provide additional retrieval capacity – either by expanding the contract with CSCRS or by adding additional retrieval contractors to serve the city, the sweeps for wayward carts could be more frequent and effective. Establishing a hotline and providing a reporting form on the City's website could facilitate requests for service from the public. Periodic public outreach about the problem of abandoned shopping carts through various city communications would focus attention and indicate the City's desire to mitigate it. The ability to recover City retrieval costs is limited by State law, fees could not cover costs for this approach.

Require all businesses that provide carts to retrieve carts within 24 hours and set up a community hotline. This approach provides reasonable assurance that a cart would be returned in the event it is taken off-site. The administration and management of this program would rest with the individual businesses. Enforcement would be minimal unless fees are collected to support additional staff.

Establish a cart loss threshold that would trigger more aggressive measures. Require business to retrieve carts within 24 hours, and if there are multiple violations, require mandatory containment. This approach targets the chronic violators. However, it requires a substantial staffing and financial commitment on the part of the City for administration and enforcement. City costs could be offset by establishing a fine of \$100.00 for every cart found in violation of the requirements.

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Require cart containment for all stores or stores that meet certain standards –
Require all stores that provide carts to implement a containment plan. Each business could tailor the plan to meet their individual needs. This is a proactive approach to prevent carts from migrating off-site. Establishing a fine of \$100.00 for every cart found off-site could offset City costs.

Enforcement

In order for any regulation to be effective, there needs to be proactive monitoring and enforcement. Presently, enforcement resources are at capacity, implementation of new shopping cart regulations will require additional staffing. Funding new staff is a challenge, however, there are two strategies to consider. Depending on the regulations recommended, enforcement staffing and equipment costs range from \$58,800 to \$169,500 per year (see Attachment B). The two strategies that could offset costs include charging a surcharge on all businesses providing shopping carts, and assessing substantial enforcement penalties. A business surcharge could be collected at the issuance or renewal of a business license. This approach would require all businesses to contribute to administrative costs even if they are in compliance with the regulations. The second approach is to supplement the present citation process and establish administrative fines. This approach would apply to only those businesses that violate the regulations.

RECOMMENDATION

Abandoned shopping carts are a growing public concern. The issue is complex and accurate information is not available on the full extent of the problem. However, it is clear the City can do more to ensure that neighborhoods are protected from the proliferation of abandoned shopping carts on public streets and private property. Given the two approaches, cart retrieval or cart containment, staff recommends pursuing a cart containment strategy. Instead of allowing carts to migrate off-site and relying on businesses to retrieve them, staff believes a proactive approach, preventing carts from migrating off-site, is a more effective strategy.

Based on the input of staff from every department involved with shopping cart management, staff recommends the following regulations:

DEFINITIONS

Cart. Cart shall mean a basket that 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.

Owner. Owner shall mean any person or entity, which in connection with the

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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.

Premises. Premises shall mean the entire lot area owned, occupied and/or utilized by the owner who provides carts for use by customers or other persons. Such area may include the building, parking lot and adjacent walkways, and other areas where the owner's carts are permitted.

APPLICABILITY

180 days after the ordinance becomes effective, the regulations shall apply to all owners of business establishments or other commercial services within the City limits that provide shopping carts for customer use or the public.

CART IDENTIFICATION

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

Identifies the owner of the cart or the name of the business establishment, or both, and provides an individual cart identification number;

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

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 City of Long Beach;

Lists a telephone number to contact to report the location of the abandoned cart;

Lists a Long Beach address for returning the cart to the owner or business establishment.

Any cart found abandoned on public property that does not have the required identification information may be removed from public property and disposed of by the City in accordance with state law.

REMOVAL OF CARTS

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.

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.

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

MANDATORY REQUIREMENTS TO PREVENT CART REMOVAL

Every Owner shall implement the following measures to prevent customers from removing carts from the business premises.

Signs. Owners shall post multi-lingual signs not less than 18 inches in width and 24 inches in height with block lettering not less than ½ inch in width and 2 inches in height in a conspicuous place on the building, within two feet of all customer entrances and exits stating that cart removal is prohibited and constitute a violation of state and local law.

Employee Training. Ongoing employee training program shall be implemented by the owner and shall be designed to educate new and existing employees on procedures to prevent cart removal from the premises.

All owners providing shopping carts for customer use shall implement and continuously maintain an on-site containment program. The program may consist of one of the following measures:

1. Disabling devices on all carts
2. Posting of a security guard to deter and stop customers who attempt to remove carts from the business premises
3. Bollards and chains around business premises to prevent cart removal
4. Security deposits required for use of all carts
5. The rental or sale of utility carts that can be temporarily or permanently used for transport of purchases.
6. Any other measure approved by the Director of Planning and Building as a means to contain carts on premises.

The owner is required to contain all carts on the premises at all times.

Any new business over 5,000 square feet, or any business that requires a discretionary planning permit, that provides carts, shall install and continuously maintain physical measures to contain all carts on the premises.

VIOLATIONS

Owners found in violation of any of the signage or marking requirements shall be subject to citation fees in keeping with the program recently enacted in the City of Long Beach. Businesses whose carts are found off-site, would be assessed \$100.00 for each cart found off-site. Continuous violators may be prosecuted as misdemeanors.

EDUCATION

Prior to implementation of the regulations, the City will undertake an educational campaign informing citizens and businesses of the new regulations. Outreach could include public service announcements on cable TV, mailings, and advertisements.

Attachments: Shopping Cart Retrieval Ordinances Summary
Summary of Cart Management Options

ATTACHMENT A

Summary of Shopping Cart Ordinances from Other Cities

- City of Alhambra – Contracts with the California Shopping Cart Retrieval Service (CSCRS). Has a hotline and website request for service form. Submits requests to CSCRS via fax or telephone. Averages 5-10 requests daily during peak holidays, 1-4 per day typically throughout the year.
- City of Anaheim – Adopted an ordinance in 1997 to allow the city to retrieve carts, defines the conditions of storage and disposal of carts via impound, and establishes fines for violations per the BPC.
- City of Atwater – Adopted ordinance in 2002 to require posting, stated illegal to remove carts from premises, made abandonment and off-site possession illegal, and required a mandatory plan to prevent cart removal for all stores that provide carts outside of their building. The ordinance defined a procedure for cart abandonment per the California Business and Professions Code (BPC) 22435.
- City of Buena Park – Adopted ordinance applying to businesses with more than 10 carts. The ordinance requires cart identification. Code enforcement and police log cart locations. Logs of city retrieval are kept.
- City of Glendale – Adopted an ordinance and resolution in May 2005 to enact cart containment as a land-use regulation. Allows a range of containment systems or approaches to be used as long as the standard of no more than 5 carts per day are abandoned in a 24-hour period.
- City of Hayward – Adopted ordinance applies to store larger than 5,000 square feet. Must install locking device or alternative containment method.
- City of Inglewood – Adopted an ordinance that defines abandoned carts, provides an exception for employee use of carts acting within the course and scope of their employment, and provides a penalty for shopping cart removal, including hearings.
- City of Oakland – Appears to have no procedure for abandoned carts.
- City of Palmdale – Provides a website form for reporting abandoned shopping carts to the city's public works department for retrieval.
- City of Pasadena – As part of its Public Peace, Morals, and Welfare code, the City prohibited abandonment and unauthorized removal, required cart identification, required a mandatory abandoned cart prevention plan, and established approval procedures and review fees. Plan submittal can be exempted on an annual basis if an approved contract for retrieval is in place. The City supported SB 1528 in 2002, which would have reduced the State abandonment time limit from 3 to 2 business days.
- City of Riverside – Adopted an ordinance allowing immediate retrieval of carts posing a hazard or not readily identified, and per the BPC if properly marked.

Impoundment is per BPC. Impoundment without notice allowed subject to owner notification and retrieved within 3 days at no cost, or subject to fees or fines after 3 days. The ordinance requires notation of the date time and general location of retrieval.

City of San Diego – No ordinance adopted. Relies on retrieval contracts to resolve abandonment.

City of San Francisco – Adopted an ordinance that allows immediate impounding of carts at the request of a property owner on which the cart is located, or if the cart poses a safety hazard, with a 24-hour notice of retrieval to cart owners. The ordinance requires signage on carts for identification and noting removal as a violation of state law, and signage on the premises to that effect.

City of San Jose – Adopted an ordinance in 2000 defining abandonment, prohibiting removal, requiring mandatory cart prevention plans for stores with 26 or more carts, including a community outreach program, employee training, cart identification, and loss prevention measures, subject to a review fee. Anecdotal evidence is that stores are reducing cart inventory to 25 to escape requirement. Exemption from the mandatory plan provisions if the owner provides written documentation demonstrating a physical device/mechanism or management practice prevents unauthorized removal of carts from the premises, and that none of the store's carts have been found abandoned during the last six months. A hearing process and enforcement procedures are defined.

City of San Mateo – Adopted an ordinance in 1997 that requires identification on carts, prohibits removal or possession of an abandoned cart, requires submittal or a plan for approval by the city annually and compliance with the plan within 30 days or city approval, includes penalties for failure to submit a prevention plan or evaluation report, imposes fines consistent with the BPC, allows an exemption from plan submittal for those with a contract for retrieval or being part of a retrieval consortium approved by the city. The city provides a hotline number for the public to report abandoned shopping carts.

City of Santa Ana – Established a hotline for pick up service. Repeated calls to the hotline were not answered.

ATTACHMENT B

| Comparison of Cart Management Options | | | |
|--|---|---|---|
| Option | City Cost | Staffing | Pros/Cons |
| City managed retrieval consistent with State law | \$55,000 | Existing staff | <p>Pros: Minimal City cost, no burden on existing businesses, collection of data.</p> <p>Cons: Carts remain on street for up to 5 days, complex to administer, all businesses pay for service</p> |
| Store managed retrieval | None | None | <p>Pros: No cost to City, no City administration, businesses held responsible.</p> <p>Cons: No change from current conditions, self enforcement</p> |
| Store managed retrieval with mandatory containment for chronic violators | First 3 years: \$169,500, after that, \$58,800 per year | 3 required analyst, clerical and inspector first 3 years 1 inspector after 3 years | <p>Pros: Holds chronic violators responsible, active administration and enforcement, staffing costs supported by penalties</p> <p>Cons: Adds new staff, complex administration carts remain on street</p> |
| Mandatory Containment | \$58,800 | 1 inspector | <p>Pros: Proactive, keeps carts on site, easy to administer, staffing costs supported by administrative penalties</p> <p>Cons: Applies to all businesses</p> |



SHOPPING CART CONTAINMENT POLICY

-
- Background
 - Cart Control Technology
 - Policy Considerations
 - Policy Options

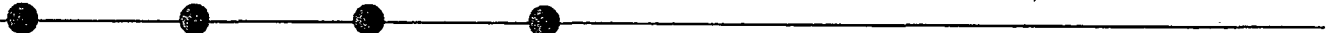


Background

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- Cart containment is becoming an increasingly hot topic for Southern California cities
 - Cities throughout California are considering mandatory containment regulations
 - Over 1,000 businesses in the city are of the type that could have shopping carts



Background

- 
- A one day survey identified approximately 93 abandoned carts throughout the City. An unverified report by the City's cart retrieval company showed more than 200 abandoned carts per day.
 - Long Beach has been considering options for several years



Cart Control Technology

-
- Operational Systems
 - Staff unloads customer purchases and returns cart
 - Security supervises lots
 - Staff gathers carts on a routine basis



Cart Control Technology

- **Physical Systems**

- Poles installed on carts prevent cart removal from store
- Berms or planters are installed at perimeter of parking area
- Bollards or other barrier devices are installed



Cart Control Technology

-
- Mechanical Containment Systems
 - Magnetic locks are installed on carts and a trigger wire is embedded at property perimeter
 - Vending machines require tokens or deposits to take a cart, which is returned when cart is returned



Policy Considerations

-
- Unmarked carts cannot be returned
 - Shopping centers can have multiple cart systems
 - Enforcement by city is limited to the Business & Professions Code or through City code enforcement efforts



Policy Options

-
- **Require a cart retrieval/retention program for all businesses**

Pro

- All businesses regulated
- Establish minimum standards including marking all carts and posting signs on illegal to remove carts
- Enforcement not required up front
- Targets businesses with chronic containment problems.

Con

- All business regulated regardless of size of problem



Policy Options

-
- **Require phased compliance building on option 1**

Pro

- Targets businesses with chronic containment problems
- Easy to Administer

Con

- Requires ongoing field monitoring

Policy Options

■ Immediate Compliance/cart containment

Pro

- Focuses enforcement on problem sites
- Prevents carts from removal
- Larger businesses regulated, smaller businesses could be exempted

Con

- Additional staffing is necessary to monitor effectiveness of cart containment program
- Replacement carts must be equipped with containment devices. Lost carts must be returned to the correct store



Policy Options

- **Require Retrieval Service**

- Pro**

- Reaches all cart providers
- Choice of retrieval system up to business owner

- Con**

- Establishes a unique requirement for business license renewal



Policy Options

-
- **Conduct a citywide inventory to determine extent of the rogue cart problem**

Pro

- Focuses attention on the issue
- Encourages containment in the short term
- Sets stage for future regulation

Con

- Delays new requirements for existing stores

Honorable Council Members,

Kudos to Bonnie Lowenthal for bringing this issue forward. We have already tolerated the problem of shopping carts trashing our beautiful City for far too long.

Numerous times I have posed this question to local store managers—If I were to walk outside with \$20 worth of groceries without paying for them, Would you stop me? Would you prosecute me for shoplifting? Invariably, the answer is a resounding, "YES, of course!"

Yet, when I ask why they allow someone to walk off with a \$200-300 shopping cart, they give me every excuse in the book for allowing this crime:

"We don't want to create bad relations with customers"—these stores do seriously offend law-abiding citizens who want to live in neighborhoods that are free of blight.

"We have a cart retrieval program"—It isn't working!

The stores say it is too costly to contain the carts while the rest of us bear the cost in lower property values, time spent constantly calling a retrieval service that isn't effective, and City expenses incurred dealing with the problem.

There is no excuse for anyone to commit a crime against not only the store, but against the rest of the City. Plain and simple—these people are stealing and the stores are enabling them.

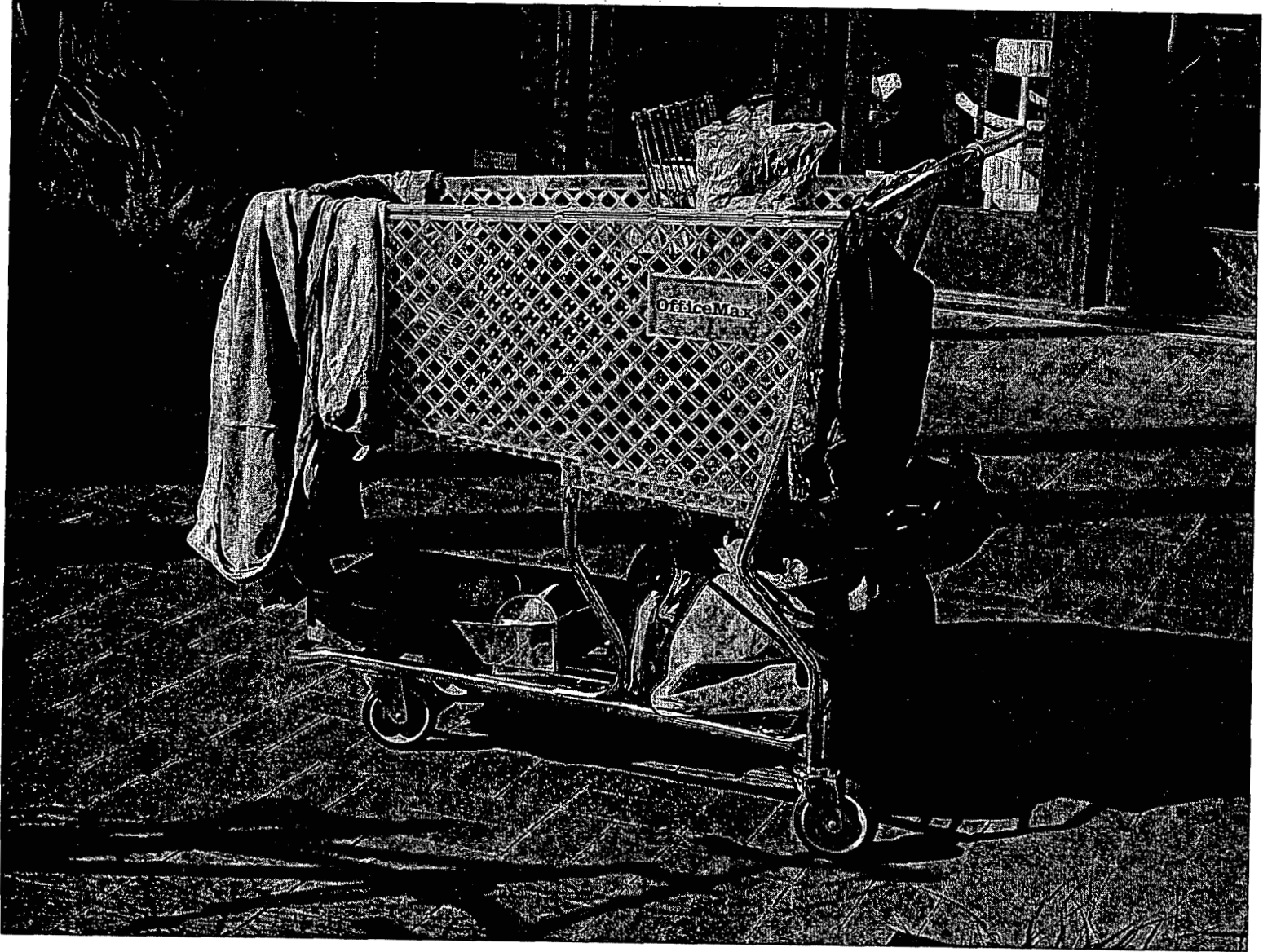
These abandoned shopping carts create blight in our fair City, they are a curse to our neighborhoods, and they are a personal affront to residents who do care about and honor the property of others. Reliable sources report that the City picked up more than 13,000 carts in six months—why are we taking responsibility for tasks that these businesses should be doing themselves?

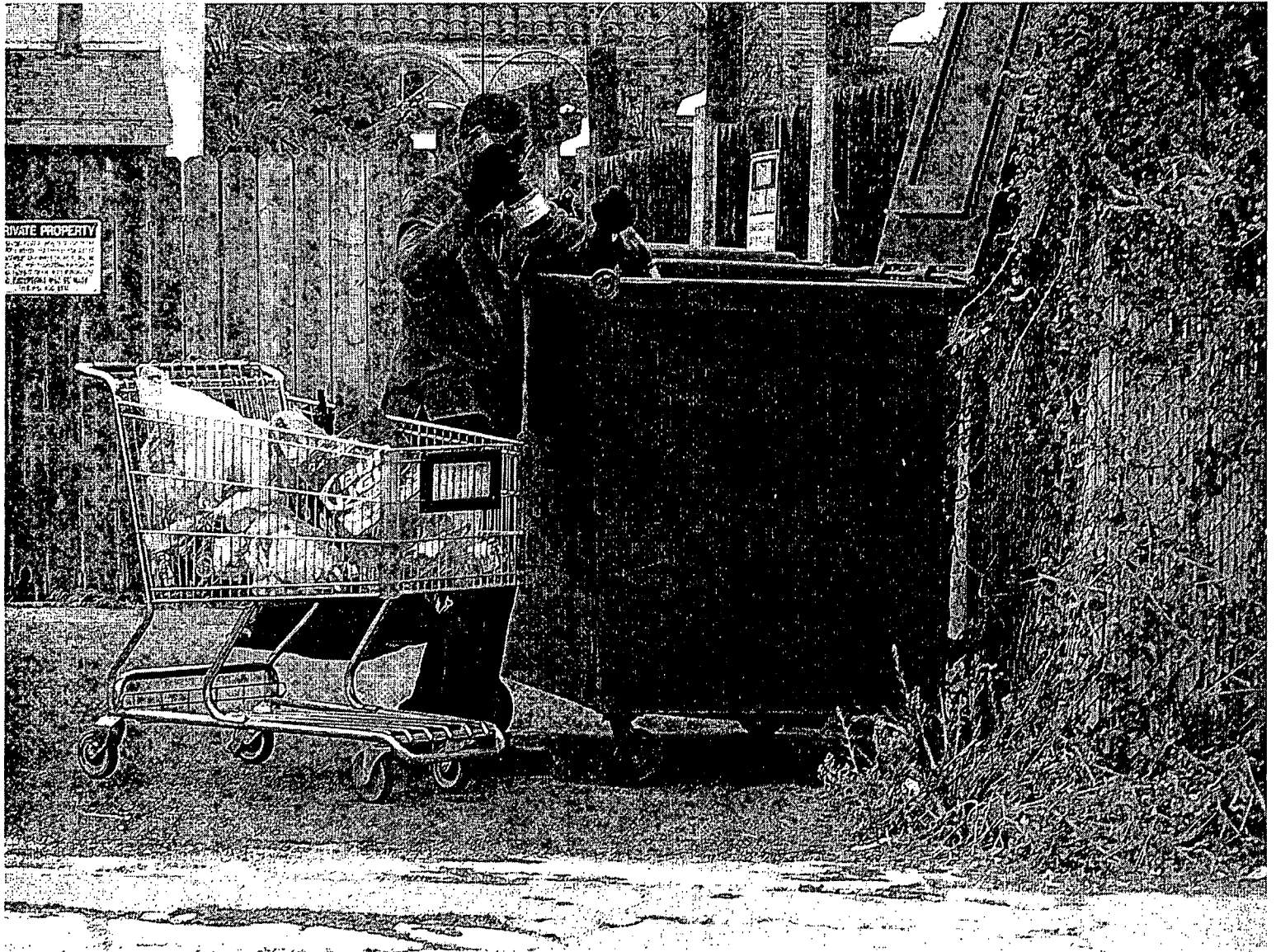
Additionally, these carts end up in filthy unsanitary situations where they are magnets for E.coli, Staph bacteria, Rota virus, Foot and Mouth Disease and even hepatitis. Think about that on your next trip to the grocery store. You may be bringing home something more than your groceries.

Businesses and grocery markets that furnish shopping carts must be held responsible for the blight they bring to our neighborhoods. These carts must be contained within the parameters of their property. Otherwise substantial fines should be levied against these businesses for littering our beautiful City.

6-05









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The Bay Area's News Station ON-AIR & ONLINE

Shopping Cart Shocker



Posted: November 7, 2002 at 9:11 p.m.

SAN FRANCISCO (KRON) -- The unsanitary conditions of grocery carts in San Francisco was first reported by KRON 4 News in a special investigation a year ago.

Specifically, carts that are retrieved from the streets, often times in the possession of homeless people, were immediately put back into service, without being cleaned.

Do you know what has been in the shopping cart you are putting your food into?

After our reports aired, the city health department declared that carts recovered from the streets must be set aside for cleaning.

But are the stores following the directive? KRON 4's Linda Yee went to see for herself.

Shopping carts carry food and sometimes children, but often times bacteria. Last year, we showed how many carts come from homeless encampments or are recovered from the streets filled with trash and human waste.

The filthy carts then go right back to the grocery store racks and into customer hands. KRON 4 also did lab tests of random carts retrieved by the Department of Public Works.

Half of the carts tested positive for fecal coliform, the bacteria derived from human excrement, fecal strep, e-coli and urine.

As a result of the findings, The San Francisco public health department ordered stores to set aside retrieved carts for sanitizing before putting them back into use.

We checked to see which stores are following the health code.

Carts continued to be recovered off the streets by city workers and stored in the public works yard. Personal belongings of the homeless are removed and stored.

In other cases, trash and human waste are taken out but the carts are not sanitized here.

The stores do want the carts back, and contract with retrieval services to pick them up from the city yard.

Some are even hired to clean the carts on an as-needed basis. KRON 4 followed several contractors. In the case of Safeway who, last year just re-cycled the carts back into use, the contractor now knows about the new health department code. But he says some stores try to cut corners.

The carts were set aside this time. But it's unknown if and when they were sanitized. A Safeway spokesman said the company did change its policy after our reports.

Now carts must be "cleaned and sanitized prior to being returned to service." In the case of contractors for Kroger-owned stores, the unsanitary grocery carts are rolled straight back into the racks.

At Food Co. on 14th and Folsom streets, customers grabbed them and went shopping. A store worker at Cala's on Hyde and California streets even helped the contractor put the carts right

back into the racks.

None of them were cleaned.

The health department immediately sent out inspectors to the stores, after we contacted Kroger's, the parent company of Cala's and Food Co., a spokesman said it will change its policy as a result of our report.

"We share our customers concern about the cleanliness of the carts and the store. And we want to do what's right for our customers to insure our customer's safety. As a result, we have begun washing all our carts returned to our stores before they are put back into service," they said.

Repeated violations of the health code can result in operating permits suspended even revoked. Unsanitary carts like these may not result in serious illness: they'll just turn your stomach.

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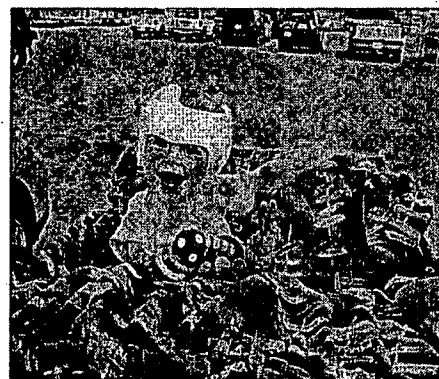


ShoppingCartCoverStore.com

Custom Shopping Cart Covers & Car Seat Covers For Your Baby

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The **DIRTY & DISGUSTING** facts about grocery shopping carts & restaurant high chairs. Below are many articles regarding the germs and bacteria's found on grocery shopping carts. You will be amazed and disgusted at what they found. Shopping cart covers have been found to harbor: blood, mucus, saliva or urine, staphylococcus aureus, enterococcus faecalis (fecal matter), Streptococcus pneumoniae, E. coli (Hemolytic Uremic Syndrome (HUS), caused by the E. coli 0157:H7 virus), Rota Virus, Hand, Foot and Mouth Disease and even hepatitis B. As well as bacteria from meat and poultry. There is also a growing concern that carts are not sanitized after homeless people have used them to store all their possessions for years.



Princess Madeline

Put a barrier between germs and your child!

Shopping Cart Investigation Nov 2003

"Going to the supermarket once or twice a week is hard to avoid, especially if you have a big family. But as Inside Edition reports, something you might want to avoid is what's lurking on the shopping cart handles that might make you sick. Inside Edition investigation reveals supermarket shopping carts can be covered with harmful bacteria that can sicken shoppers and thier children."

<http://www.channeloklahoma.com/news/3251843/detail.html>

Millions Of Bacteria Found On Metro Shopping Carts
Investigation Uncovers Contaminated Carts At Popular Metro Stores
POSTED: 5:13 pm CDT April 29, 2004

Can Clean Carts Save Lives?

<http://www.shoppingcartcoverstore.com/bacteriagermsoncarts.html>

6/27/2005

By Martin Sloane

http://www.siteforsavings.com/new_page_4.htm

"A team of microbiologists at the University of Arizona just completed the first major public health study measuring levels of contaminants on frequently touched public surfaces that can transmit infectious diseases. The study examined more than 800 high-traffic public surfaces in three states... In the first phase of the study, researchers found that one in four surfaces tested positive for filth, based on the presence of certain proteins that indicate poor hygiene. One in five surfaces tested positive for at least one bodily fluid. Not surprisingly, the most contaminated environments were children's playgrounds and daycare centers. Topping the list of worst offenders, however, were a few surprises, including public buses, shopping carts, arm chair rests, vending machine knobs, escalator handrails and public phones." Food Facts: What You Bring Home From Work May Hurt You

http://www.wisc.edu/foodsafety/consumer/food_facts_archive/foodfacts_2000/foodfacts_feb_2000.htm

WTTG-TV: Dirty Carts

http://www.fox5dc.com/_ezpost/data/3417.shtml

KRON-TV: Shopping Cart Shocker

<http://www.kron4.com/global/story.asp?s=1004292>

Seven Network (Australia): Germs in Your Shopping Trolley

REPORTER: Helen Wellings

BROADCAST DATE: September 15, 2004

<http://seven.com.au/todaytonight/story/?id=16423>

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Updated November 1, 2004

[SITE MAP](#)



Date: June 14, 2005

To: Honorable Mayor and City Council
Councilwoman Laura Richardson, Sixth District *for cur*

From: Councilmember Tonia Reyes Uranga, Seventh District *(TU)*
Councilmember Val Lerch, Ninth District *(V)*

Subject: **AGENDA REQUEST: SHOPPING CART ORDINANCE**

Background

Historically, illegally moved and abandoned shopping carts in neighborhoods throughout the city have resulted in several problems. These problems have included visual blight, litter and the encouragement of various illegal activities. Additionally, abandoned shopping carts can obstruct pedestrian and automobile traffic in the public right-of-way, creating potential hazards to the health and safety of the general public.

It has come to our attention that, financially, the city's current program to retrieve shopping carts cannot adequately address the large number of carts that are abandoned on our streets and in our neighborhoods. Current retrieval efforts funded by Long Beach have been reduced to only two days per week.

Ultimately, the responsibility for controlling and retrieving shopping carts lies with those who provide shopping services. While some stores have policies in place to deter the illegal removal of carts, these steps have often been ineffective in dealing with the magnitude of the problem. These efforts can only be successful if there are adequate and effective enforcement mechanisms that hold those providers responsible. To this end, several California cities including San Francisco and Atwater have implemented local ordinances aimed at controlling abandoned shopping carts.

The California Business and Professional Code allows cities the authority to enact ordinances to address stores that use shopping carts. Given the impact of abandoned and illegally removed shopping carts on the streets and neighborhoods of Long Beach, the city should take aggressive and comprehensive steps to address this issue.

Proposed Action

It is recommended that the City Attorney prepare an ordinance requiring all businesses operating in the City of Long Beach that provide shopping carts (as defined in the California Business and Professional Code Sections 22435) for their customers to do the following as a requirement for obtaining their annual business license:

June 9, 2005
Page 2

- Submit, with their annual business license application/renewal, a copy of a certified, valid contract with a licensed cart retrieval company for 7-day retrieval service;
- Clearly identify all carts (per California Business and Professional Code 22435.1) with the name of the store, a telephone number or address for retrieval;
- Implement an effective proactive policy to return all carts to their appropriate owner.

A sample ordinance from the City of Atwater is attached for your information and review.

CLR/TL

shopping cart ordinance request 6-14-05



**CITY COUNCIL
OF THE
CITY OF ATWATER**

**BILL NO. 8-2002
ORDINANCE NO. CS 807**

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF ATWATER ADDING CHAPTER 8.30 TO
THE ATWATER MUNICIPAL CODE
ESTABLISHING REGULATIONS REGARDING
ABANDONED SHOPPING CARTS**

The City Council of the City of Atwater does hereby ordain:

SECTION 1: That Chapter 8.30 regarding abandoned shopping carts is hereby added to the Atwater Municipal Code as follows:

"Chapter 8.30

SHOPPING CART ABANDONMENT

Sections:

- 8.30.010 Definitions.**
 - 8.30.020 Notice of Posting.**
 - 8.30.030 Removal From Shopping Establishment Prohibited.**
 - 8.30.040 Abandonment Prohibited.**
 - 8.30.050 Possession Prohibited.**
 - 8.30.060 Mandatory Plan to Prevent Cart Removal/Evaluation Report**
 - 8.30.070 Abandoned Carts.**
 - 8.30.080 Violation.**
- 8.30.010 Definitions.**

As used in this chapter:

A. Street. A street, avenue, road, alley, lane, highway, boulevard, concourse, driveway, culvert, cross walk, sidewalk, park, parking lot, parking area, and place used by the general public.

B. Person. Any person, corporation, partnership, association, joint stock company, and other entity capable of being sued.

C. Cart. A basket which is mounted on wheels or a similar device generally used in a retail establishment by a customer for the purpose of transporting goods of any kind.

D. Abandoned Cart. Any cart that has been removed without written consent of the owner of the cart from the premises of the business establishment which owns the cart, regardless of whether it has been left on either private or public property. This provision shall not apply to carts that are removed for purposes of repair or maintenance.

E. Owner. A person or business establishment owning or using shopping carts in connection with its business.

8.30.020 Notice of Posting.

There shall be posted by the owner of any retail establishment furnishing a parking area and shopping carts or laundry carts for its customers, prominently and conspicuously, a notice in substantially the following form: "REMOVAL OF SHOPPING CARTS (OR LAUNDRY CARTS, IF APPLICABLE), FROM THESE PREMISES IS PROHIBITED BY LAW (AMC CHAPTER 8.30) AND WILL SUBJECT THE VIOLATOR TO A MAXIMUM FINE OF \$100.00."

8.30.030 Removal From Shopping Establishment Prohibited.

It shall be unlawful for any person except the owner of the cart or the owner's agent to remove the cart from the premises of the business that owns or rightfully possesses the cart.

8.30.040 Abandonment Prohibited.

It shall be unlawful for any person, or an agent thereof, to leave or permit to be left, any cart, either owned by him/her or in his/her possession, custody or control, upon any sidewalk, street, or other public place, or upon any private property, except that of the owner of such cart.

8.30.050 Possession Prohibited.

It shall be unlawful for any person, or an agent thereof, to be in possession of any cart while that cart is not located on the premises or parking lot of a retail establishment without the express written consent of the owner of the cart.

8.30.060 Mandatory Plan to Prevent Cart Removal/Evaluation Report.

Every owner who allows or intends to allow the use of carts outside the building of a business shall develop and implement a specific plan to prevent customers from removing carts from the business premises. The plan must include the following elements:

A. Notice to Customers. Written notification shall be provided to customers that

removal of carts from the premises and parking lots is prohibited and a violation of state and local law. This notice may be provided in the form of flyers, warnings on shopping bags, or any form of written notification that will effectively notify customers of the prohibition;

B. **Signs.** Signs shall be placed in pertinent places as required by Section 8.30.020.

C. **Mandatory Cart Retrieval.** In addition to the above provisions, an owner must provide to and have approved by the City, a plan to provide for retrieval of abandoned carts by its employees, or have entered into a contract for cart retrieval services that is approved by the City.

8.30.070 Abandoned Carts.

A. **Notification for Retrieval of Abandoned Carts.** The City shall notify the owner of any abandoned carts owned or used by the business establishment that have been located within the City. The owner shall have three (3) days from the date the notification is given to retrieve the carts from the specified location. The City shall keep a record of notifications for retrieval of abandoned carts for purposes of determining the effectiveness of the plans to prevent the removal of carts.

B. **Administrative Costs and Fines.** Any owner that fails to retrieve its abandoned cart(s) after receiving the three (3) day notice by the City, shall pay the City's administrative costs for retrieving the cart(s) and providing the notification to the owner. Such costs shall be set forth in a Resolution establishing fees and charges for various municipal services. Any owner that fails to retrieve abandoned cart(s) within three (3) days shall be subject to a Fifty Dollar (\$50.00) fine for each occurrence in excess of three during a specified six (6) month period. An occurrence includes all carts owned by the owner that are impounded by the City in a one (1) day period.

C. **Alternative Provisions Regarding Retrieval of Abandoned Carts.** Notwithstanding Section 8.30.070A, the City may impound an abandoned cart without providing the three (3) day notice, provided that the owner is provided with actual notice within twenty-four (24) hours following the impound and the notice informs the owners as to the location where the cart may be claimed. Any cart reclaimed by the owner within three (3) business days following the date of actual notice shall be released to the owner without charge. Any cart not reclaimed by the owner within three (3) business days following actual notice shall be subject to the fees and penalties set forth in Section 8.30.070 B.

D. **Disposition of Carts After Thirty Days.** Any cart not reclaimed from the City within thirty (30) days after notification to the owner shall be sold or otherwise disposed on by the City.


8.30.080 Violation.

A violation of this chapter shall constitute an infraction punishable by law and subject to fine."

SECTION 2: This ordinance shall take effect and be in force thirty (30) days after the date of its passage and the City Clerk shall certify to the adoption of this ordinance and shall cause the same to be published in the Atwater Signal within fifteen (15) days from the adoption hereof.

INTRODUCED: August 12, 2002
ADOPTED: August 26, 2002
AYES: Abercrombie, Frago, Krotik, Rivero, Trevino
NOES: None
ABSENT: None

APPROVED:



RUDY TREVINO, MAYOR

ATTEST:



FRANCES M. BARRETT, CITY CLERK



Date: June 24, 2005

To: Gerald R. Miller, City Manager *my cfs*

From: Suzanne Frick, Director of Planning and Building *SF Budget for SF*

For: Members of the Housing and Neighborhoods Committee

Subject: Information for the Housing and Neighborhoods Committee Meeting of June 28, 2005 Discussion of Shopping Cart Retrieval and Containment

At their meeting of June 14, 2005, the City Council referred an agenda item dealing with shopping cart retrieval to the Housing and Neighborhoods Committee for further study and report back to the City Council in 30 days.

The staffs of several City departments have met in the interim and prepared the attached materials that outline the policy issues related to this issue, as well as some policy options for discussion. Staff will be asking the Housing and Neighborhoods Committee to review these options and provide direction for the content of the report back to the City Council.

SF/kmb

cc: Mayor and City Council

Att.

02 JUN 24 04 30

RECEIVED
CITY OF LONG BEACH
PLANNING AND BUILDING DEPARTMENT

City of Long Beach Cart Control Policy Options

Cart Control Technology

Operational containment – some regional grocery stores, including Jon's and Gelson's, have a policy of walking customers to their cars with most orders to unload the carts. Employees return the cart.

Customer carts – some grocers, including Stater Bros, will sell customers a cart for their own personal use, and include a buy-back program for those moving out of their service area. The cart is typically smaller than the general-purpose carts, and can include folding carts. Another example is the City of San Jose issuing 12,000 to its citizens, primarily seniors. Other cities are seeking funding for similar programs in cooperation with local grocers.

Cart vending – similar to SmartCarte at airports, people pay for the use of the cart and get their deposit back upon returning the cart. This has become very common in other states and in Europe. Some stores sell a large coin token to use in the cart vending machine. The fee has to be high enough to ensure that the customer returns the cart and doesn't leave it for vagrants to return the cart for the deposit. Prices for the tokens can range from \$5 to \$20.

Magnetic Locks – carts are fitted with a magnetic locking device triggered by a wire embedded at the property boundary. Once engaged, the lock keeps the wheels from spinning, making it difficult to drag the cart off the premises. The store management can reset the lock. These systems can cost from \$5,000 to \$40,000 on up to install, depending on the size and configuration of the containment area and the number of carts to be fitted with locking devices.

Physical Barriers – carts are fitted with tall poles to prevent their removal from the store. This can create a problem for customers with large or heavy purchases and can sometimes be circumvented by tilting carts at the door. Within parking areas, physical barriers such as berms or planters around parking lots or bollards to retain carts onsite are also possible, but can raise pedestrian and handicap access issues. Carts can usually be removed from the site through driveways or through planters.

Cart Retrieval – Currently in Long Beach, carts are retrieved by California Shopping Cart Retrieval Corporation. This company picks up their member's (typically the larger chain grocery stores) carts and currently picks up some non-member carts under an agreement with the City of Long Beach.

Policy Considerations

Shopping Centers – the regulations should treat shopping centers as an integrated unit and require the center to all use the same cart retention method. The potential for one store to set up a magnetic barrier for a portion of the parking lot may impact the operation of the center as persons may not be able to shop at multiple locations in the center and then push a cart back to the location of their parked car.

Cart Identification – most new carts are marked in several locations for identification purposes, including stamped or engraved plates and barcodes. Marking existing cart inventories can include engraving or installation of tags or plates. Reports of plastic marking plates being stripped from carts have been cited as a primary source of orphaned or unidentified carts.

Cart replacement and retrieval costs – carts cost from \$150 to \$300 new and \$85 to \$150 refurbished. Retrieval costs have been quoted from contracts ranging from less than \$2 per cart to upwards of \$15 per retrieved cart.

Retrieval Service – the California Grocers Association (CGA) wholly owns the California Shopping Cart Retrieval Corporation, which is the largest company that charges a fee to merchants for retrieving carts. This is a \$10 million annual business within the state. Private firms also provide retrieval services.

Enforcement – the California Business & Professions Code dictates cart removal is misdemeanor theft, but the crime is difficult to enforce because of the many steps involved in bringing each incidence to prosecution. Code enforcement and administrative citations are other options available to regulate cart containment.

Cart Control Policy Options

1. Immediate Compliance/Minor Measures - Require all businesses to have a cart retrieval program meeting minimal standards, including measures such as marking all carts and posting signs that cart removal is illegal. Additional measures such as onsite security personnel, subscribing to a retrieval service, and others listed below could be included in a cart retrieval program as appropriate.
 - Pros: Requires minimal up front enforcement action by the City
Reaches all cart providers
Programs can be augmented for larger stores or habitual violators
 - Cons: All businesses regardless of size will have to meet minimum standards

Stores that lose the most carts would have to augment effective programs through code enforcement action – increasing code enforcement workload.

2. Phased Compliance - Establish a criteria limit on the number of carts found off-site per day (example, loss of 10 per day per establishment) to determine a violation. Any business that exceeds the total shall create a cart control program or augment an existing program.
Pros: Focuses enforcement on the problem stores
Is most straightforward to determine violators
Cons: Requires on-going field monitoring
3. Immediate Compliance/Cart Containment - Establish a limit based on carts available onsite (example, stores with more than 100 carts) or stores over a certain size (example, all stores greater than 20,000 square feet) to establish physical cart control system (example, locking wheel cart at the site perimeter).
Pro: Focuses enforcement on stores with the most potential for loss
Ideally, prevents carts from having to be retrieved
Cons: Requires an accurate inventory and on-going reporting
Could miss smaller stores that experience high loss rates
Could miss active smaller store that have relatively high cart inventories
Big-box stores may have unique issues to address, such as home improvement stores with various cart types not subject to removal from the premises compared to typical grocery store carts
4. Require Retrieval Service - Require all cart providers to have a contract with a retrieval company through their business license approval or renewal process
Pros: Reaches all cart providers
Cons: Establishes a unique requirement for business license renewal
Efficiency of the retrieval requires monitoring
5. Additional City Study of the Issue - Establish a time period to conduct an inventory to determine the number of carts lost per day for various stores throughout the city.
Pros: Provides accurate information regarding the extent of the cart problem
Focuses attention on the issue of cart removal and sets stage for future regulation
Cons: Requires cooperation of existing retrieval companies and staff effort to complete

Does not establish enforcement or violation criteria for known high cart-loss businesses

Last printed 6/27/2005 12:33 PM

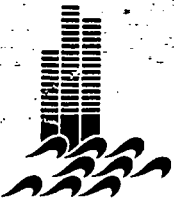
Housing & Neighborhoods Committee Meeting June 28, 2005

Background

Attachments:

- Memo dated January 16, 2002 to Robert Shannon, City Attorney, from Shelba Powell, City Clerk
 - Meeting of January 15, 2002 – Agenda Item 18
- Memo dated November 9, 2000 to Shelba Powell, City Clerk, from Lisa Malmsten, Deputy City Attorney
 - An Ordinance of the City Council of the City of Long Beach Amending the Long Beach Municipal Code by Adding Chapter 8.61 Relating to Shopping Carts for Placement on City Council Agenda – withdrawn from agenda, November 14, 2000
- Memo dated November 1, 2000 to Lisa Malmsten, Deputy City Attorney, from James Kuhl, Manager, Integrated Resources Bureau
 - Shopping Cart Ordinance
- Memo dated October 26, 2000 to Robert Shannon, City Attorney, from Shelba Powell, City Clerk
 - Meeting of October 24, 2000 – Agenda Item 19
- Memo dated October 25, 2000 to Lisa Malmsten, Deputy City Attorney, from Michael Mais, Principal Deputy City Attorney
 - Shopping Cart Ordinance
- Memo dated October 24, 2000 to the Mayor and City Council from Jackie Kell, Chair, Housing & Neighborhoods Committee
 - Abandoned Shopping Carts
- Memo dated October 17, 2000 to the Housing & Neighborhoods Committee from Christopher Garner, Acting Director of Public Works
 - Shopping Carts

- Memo dated August 29, 2000 to Mayor and Members of the City Council from Ray Grabinski, Councilmember, Seventh District
 - Request for Report on Shopping Cart Program and Options
- Memo dated January 20, 2000 to Mayor and City Council from Dan Baker, Councilmember, Second District
 - Shopping Carts
- Memo dated October 27, 1998 to Robert Shannon, City Attorney from Alan Lowenthal, Councilmember, Second District
 - Shopping Car Retrieval
- Memo dated November 7, 1994 to Alan Lowenthal, Chair, Housing & Neighborhoods from William Keiser, Deputy City Attorney
 - Grocery Cart Issue



Date: January 16, 2002
To: Robert E. Shannon, City Attorney
From: Shelba Powell, City Clerk
Subject: Meeting of January 15, 2002
Agenda Item 18

| | |
|---|-----------|
| Requested that Resolution be prepared..... | _____ |
| Requested that Ordinance be prepared..... | _____ |
| Requested amendment to Long Beach Municipal Code be prepared..... | _____ |
| Authorized acceptance of Easement Deed..... | _____ |
| Received and referred attached damage claims..... | _____ |
| Requested all necessary documents be prepared..... | _____ |
| Requested a report for submission to City Council..... | X* |
| Concurred in recommendation of Committee..... | _____ |
| Referred to the City Attorney..... | _____ |
| Special Instruction..... | _____ |

*Requested City Manager and City Attorney to prepare a joint report.

Maker of the Motion: Councilmember Lowenthal

SP:jb:kg

Attachment

assign to PM

*Joa
see me*

B

02-00277



02 JAN -0 PM 1:47

Date: January 15, 2002
To: Mayor and City Councilmembers
From: Councilmember Bonnie Lowenthal *BL*
Subject: Request for report on Shopping Carts

Many of our neighborhoods are littered with abandoned shopping carts. While a shopping cart retrieval service is available, it is not adequate in addressing the problem of carts abandoned throughout our City.

I am requesting a report from the City Manager on the types of shopping cart control systems that are currently available that prevent carts from leaving the immediate premises or the parking lot of a store. The report should include the process to require newly constructed or substantially remodeled grocery and retail stores to install a cart control system as well as the ability to require existing stores to comply with these requirements within a certain time period.

44



City of Long Beach

Working Together to Serve

642202-00
Memorandum

Date: November 9, 2000

To: Shelba Powell, City Clerk

From: Lisa Peskay Malmsten, Deputy City Attorney, Ext. 82227

Subject: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING CHAPTER 8.61 RELATING TO SHOPPING CARTS FOR PLACEMENT ON CITY COUNCIL AGENDA

The attached ordinance has been prepared in response to City Council action dated October 24, 2000, and is transmitted for placement on the November 14, 2000 City Council Agenda.

If you have any questions, please do not hesitate to call me.

LPM:et
cc:w/encls.:
Jim Kuhl, Manager, IRB

| | |
|--------------------|--------|
| / | ACTION |
| / | ACTION |
| 1-44 / NOV 14 2000 | ACTION |



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ROBERT E. SHANNON
City Attorney

HEATHER A. MAHOOD
Assistant City Attorney

November 14, 2000

PRINCIPAL DEPUTIES

Barbara D. de Jong
Richard L. Landes
Michael J. Mais
Daniel S. Murphy

DEPUTIES

William A. Reider
Richard A. Alesso
Alan D. Bennett
Everett L. Glenn
Donna F. Gwin
Robert T. Hight
Dominic T. Holzhaus
Richard P. Lopez
Lisa Peskay Malmsten
Belinda R. Mayes
James N. McCabe
Susan C. Oakley
J. Charles Parkin
Michael M. Peters
Amy P. Royle
Carol A. Shaw

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
CALIFORNIA

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LONG BEACH AMENDING THE LONG BEACH MUNICIPAL
CODE BY ADDING CHAPTER 8.61 RELATING TO SHOPPING
CARTS

Pursuant to your request, we have prepared the subject ordinance and transmit it with this letter for your consideration and adoption.

Very truly yours,

ROBERT E. SHANNON, City Attorney

BY

LISA PESKAY MALMSTEN
Deputy City Attorney

LPM:ET

00-05126
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00-05126
11/09/00

ORDINANCE NO. C-

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING CHAPTER 8.61 RELATING
TO SHOPPING CARTS

WHEREAS, the City Council of the City of Long Beach finds that
abandoned shopping carts are an eyesore, a potential hazard, and a nuisance; and

WHEREAS, retrieving and disposing of shopping carts is an expense to
the City; and

WHEREAS, the City Council of the City of Long Beach intends to
encourage commercial establishments to develop solutions to prevent the removal of
shopping carts from their premises and parking areas;

NOW THEREFORE, the City Council of the City of Long Beach ordains
as follows:

Section 1. The Long Beach Municipal Code is amended by adding
Chapter 8.61 entitled "Shopping Carts" to read as follows:

8.61.010 Definitions.

For purposes of this Chapter only, and unless the context clearly requires
a different meaning, the words, terms and phrases set forth in this Section are
defined as follows:

A. "Actual notice" means notice to the owner of a cart or his agent.
Actual notice includes, but is not limited to, any of the following: Telephonic
communication from a City employee to a person identifying himself as the
owner or the owner's agent, notice communicated in person to the owner or

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

1 owner's agent, or written notice personally delivered or sent by certified mail to
2 the business address listed on the business owner's business license
3 application.

4 B. "Identification sign" means a permanently affixed sign, sticker, or
5 similar means of identifying the owner of a shopping cart, or a retailer, or both.

6 C. "Parking area" means a parking lot or other property provided by a
7 commercial establishment for use by a customer for parking an automobile or
8 other vehicle. In a multi-store complex or shopping center, "parking area"
9 includes the entire parking area used by or controlled by the complex or center.

10 D. "Shopping cart" means a basket which is mounted on wheels or a
11 similar device generally used in a commercial establishment for the purpose of
12 transporting goods of any kind.

13 8.61.020 Identification Signs for Shopping Carts.

14 A. All shopping carts owned or used within the City shall have affixed an
15 identification sign which includes all of the following information: the name of the
16 owner or retailer, a valid phone number or address for returning the cart to the
17 owner or retailer, and a notice to the public that unauthorized removal of the cart
18 from the premises or parking area is a violation of state law and City ordinance.

19 B. Each incident of failure to comply with this Section shall be an
20 infraction.
21

22 8.61.030 Retrieval of Shopping Carts.

23 The owner of any shopping cart found abandoned in an area other than
24 the premises or parking area of a retail establishment, shopping center or
25 shopping complex shall retrieve the cart within three (3) business days following
26 the date the owner of the shopping cart, or his agent, receives actual notice
27 from the City of the cart's location. Failure to comply with this section will cause
28

1 the cart to be impounded and a fee imposed.

2
3 **8.61.040 Impounding of Shopping Carts**

4 Any shopping cart found abandoned in an area other than the premises
5 or parking area of a retail establishment, shopping center or shopping complex
6 may be removed and stored by the City Manager or a City officer or any
7 employee designated by him in any of the following circumstances:

8 A. The cart is not marked with an identification sign meeting the
9 requirements of Section 8.61.020.

10 B. The cart, marked or unmarked, has been left in a location which
11 impedes emergency services, as determined by any public safety officer.

12 C. The owner or his agent is provided notice within twenty-four (24)
13 hours following the impound, and that notice contains the location of the cart.

14 D. The owner of the shopping cart fails to retrieve the cart within three
15 (3) days following the notice specified in Section 8.61.030.

16
17 **8.61.050 Impound Fee**

18 The City Council shall establish a fee which represents the actual cost of
19 retrieving and impounding shopping carts pursuant to this Chapter. Said fee
20 shall apply to any cart impounded under Section 8.61.040.

21
22 **8.61.060 Unclaimed Shopping Carts**

23 Any cart, marked or unmarked, left unclaimed for more than thirty (30)
24 days after impoundment, may be disposed of by the City in any lawful manner.

25
26 **Sec. 2.** The City Clerk shall certify to the passage of this ordinance by
27 the City Council of the City of Long Beach and cause it to be posted in three
28 conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

1 day after it is approved by the Mayor.

2 I hereby certify that the foregoing ordinance was adopted by the City
3 Council of the City of Long Beach at its meeting of _____, 2000, by
4 the following vote:

5
6 Ayes: Councilmembers: _____

7 _____

8 _____

9 _____

10 Noes: Councilmembers: _____

11 _____

12 Absent: Councilmembers: _____

13 _____

14 _____

15 _____

16 _____

City Clerk

17 _____

18 _____

19 Approved: _____
20 (Date) Mayor

21 _____

22 _____

23 _____

24 _____

25 _____

26 _____

27 _____

28 _____

11-08-00 *KB*

LPM:et

00-05126

F:\APPS\CtyLaw\32\WPDOCS\ID008\P001\00015228.WPD

RESOLUTIONS:

Adopted Resolution No. C-27765 authorizing the City Mgr. to submit a grant application to the Environmental Protection Agency for a Brownsfields Program Supplemental Assistance for Assessment Demonstration Pilots grant, to act as agent for the City to accept funds, execute, implement, amend, and administer the grant agreement, and execute any documents necessary to the implementation of the project; and increased appropriations in the Capital Projects Fund (CP201) and the Department of Public Works (PW) by \$200,000. (Doc. 83)

Adopted Resolution No. C-27766 rescinding the \$1 fee for those entering to park in the Belmont Pier-Plaza Parking Lot between 6 P.M. and 10 P.M. (Doc. 84)

Accepted dedication for alley widening of the surface and aerial alley, adopt Resolution No. C-27767 and set date of hearing for Tuesday, December 12, 2000, at 5:00 P.M. (Doc. 85)

Adopted Resolution No. C-27768. (Doc. 86)

40. Authorizing the City Manager to submit an application to the Environmental Protection Agency for funding for a "Brownsfields Program Supplemental Assistance for Assessment Demonstration Pilot" project relating to a chemical assessment of a site located between Orange Avenue, California Avenue, Willow Street and Spring Street. (Parks, Recreation and Marine) (District 7)

Suggested Action: Adopt Resolution authorizing the City Manager to submit a grant application to the Environmental Protection Agency for a Brownsfields Program Supplemental Assistance for Assessment Demonstration Pilots grant, to act as agent for the City to accept funds, execute, implement, amend, and administer the grant agreement, and execute any documents necessary to the implementation of the project; and increase appropriations in the Capital Projects Fund (CP201) and the Department of Public Works (PW) by \$200,000.

41. Amending Resolution No. C-27738 establishing a schedule of fees for beach area parking lots. (Parks, Recreation and Marine) (District 3)

Suggested Action: Adopt Resolution rescinding the \$1 fee for those entering to park in the Belmont Pier-Plaza Parking Lot between 6 P.M. and 10 P.M.

42. Intention to vacate portions of The Promenade and the north-south alley west of The Promenade between Broadway and Third Street. (Public Works) (District 1)

Suggested Action: Accept dedication for alley widening of the surface and aerial alley, adopt Resolution and set date of hearing for Tuesday, December 12, 2000, at 5:00 P.M.

43. Consenting to the establishment of the portion of Second Street over Alamitos Bay within said City as a part of the System of Highways of the County of Los Angeles. (Public Works) (District 3)

Suggested Action: Adopt Resolution.

ORDINANCES:

Withdrawn from agenda.

44. ~~Amending the Long Beach Municipal Code, relating to shopping carts. (Law) (Citywide)~~

~~Suggested Action: Declare Ordinance read the first time and laid over to the next regular meeting of the City Council for final reading.~~

Adopted Ordinance No. C-7717.

45. Amending Ordinance Nos. C-5670 and C-6462, modifying the boundaries of the Downtown Parking and Business Improvement Area increasing the assessment to be levied therein.

Suggested Action: Declare Ordinance read and adopted as read.



NOV 9 6 2000

Date: November 1, 2000
To: Lisa Peskay Malmsten, Deputy City Attorney
From: James R. Kuhl, Manager, Integrated Resources Bureau *JR*
Subject: Shopping Cart Ordinance

On October 24, 2000, the City Council voted to request that the City Attorney draft an ordinance regarding shopping cart retrieval. Pursuant to that request, we are asking the City Attorney to prepare an ordinance adopting the following items:

- Require all shopping carts be marked with identification to facilitate the retrieval and return of carts to their owners.
- Authorize staff to remove and impound carts found outside the boundary of any retail establishment's premises and parking area, in accordance with State Law.
- Authorize the establishment of a fee, in accordance with State Law, to recover costs of retrieving and impounding shopping carts.

It is further requested that the City Attorney prepare a fee resolution in accordance with the above ordinance, establishing an impoundment fee in order for the City to recover the cost of providing a cart retrieval service. It is recommended that the actual cost be between \$20 and \$25 per cart. This fee is comparable to that charged by other cities.

If you have any questions regarding this matter, please contact me at (562) 570-2850.

cc: Christopher J. Garner, Acting Director of Public Works

JK:rs
Cartord

00-05126



Date: October 26, 2000
To: Robert E. Shannon, City Attorney
From: *SP* Shelba Powell, City Clerk
Subject: Meeting of October 24, 2000
Agenda Item 19

| | |
|---|----------------|
| Requested that Resolution be prepared..... | _____ |
| Requested that Ordinance be prepared..... | _____ X |
| Requested amendment to Long Beach Municipal Code be prepared..... | _____ |
| Authorized acceptance of Easement Deed..... | _____ |
| Received and referred attached damage claims..... | _____ |
| Requested all necessary documents be prepared..... | _____ |
| Requested a report for submission to City Council..... | _____ |
| Concurred in recommendation of Committee..... | _____ |
| Referred to the City Attorney..... | _____ |
| Special Instruction..... | _____ |

Maker of the Motion: Councilmember Grabinski

SP:jb:kg

Attachment

Close
CPM
10/26/00

00 - 05008
11-2-00
88-48(12/92)

October 24, 2000

18. Councilmember Ray Grabinski, Seventh District, requesting allocation of \$92,000 of Seventh District discretionary funds to build a concession facility for West Long Beach Little League at Silverado Park for \$50,000 and to continue funding for the "Fishbowl" middle school program at Veterans Park for \$42,000. (Director of Financial Management, transmitting appropriation adjustment.)

Suggested Action: Approve adjustments to FY 01 departmental and fund appropriations in accordance with existing City Council policy.

19. Councilwoman Jackie Kell, Fifth District, Chair, Housing and Neighborhoods Committee, recommending that the communications regarding abandoned shopping carts be received; the City Attorney requested to prepare Ordinance which would require business owners to identify their shopping carts to facilitate the retrieval and return of carts to their owners; staff authorized to remove and impound carts found outside the boundary of any retail establishment's premises and parking area, in accordance with state law; the establishment of a fee authorized in accordance with state law, to recover the cost of retrieving and impounding shopping carts; ~~a fine set payable by the business owner for each incident in excess of three incidents in a six month period in which a shopping cart is retrieved off the business owner's premises and parking area;~~ new grocery stores encouraged to use technology to prevent shopping carts from leaving their property or demonstrate methods to prevent shopping carts from leaving their property; ~~and cite violators who remove carts from shopping center areas unlawfully.~~

omit as shown

Suggested Action: Concur in recommendation of Committee.

20. Councilwoman Jackie Kell, Fifth District, Chair, Housing and Neighborhoods Committee, recommending that the communications regarding review of animal control regulations and penalties concerning cruelty to animals be received; the City Attorney requested to prepare a Resolution promoting increased animal adoptions and cruelty prevention programs; an adoptable animal presented at City Council meetings; educational efforts regarding animal cruelty increased; advertisements placed in bus shelters and utility bill mailers regarding animal adoption and listing a hotline phone number to anonymously report acts of cruelty; and encourage public attendance during the sentencing phase of an animal cruelty case.

Suggested Action: Concur in recommendation of Committee.

21. City Manager, regarding quitclaim deed from Catholic Healthcare West Southern California for former Long Beach Community Medical Center property. (District 4)

Suggested Action: Request City Attorney to accept quitclaim deed for land and improvements at Long Beach Community Medical Center.



City of Long Beach

Working Together to Serve

file
Memorandum

Date: October 25, 2000
To: Lisa Malmsten
From: Michael J. Mais, Principal Deputy City Attorney, Extension 82230 *MJM*
Subject: **Shopping Cart Ordinance**

As you know, Council has directed our office to adopt a shopping cart ordinance. I have attached the October 24, 2000 agenda item with Heather's notation in regard to items that Council apparently did not want to pursue. Could you please prepare the ordinance as requested by Council. They want the matter placed back on the agenda within the next couple of weeks. Thanks.

MJM:kjm

S:\MAIS\Memo\Malmsten memo re shopping cart ord.wpd

Suggested Action: Approve adjustments to FY 01 departmental and fund appropriations in accordance with existing City Council policy.

19. Councilwoman Jackie Kell, Fifth District, Chair, Housing and Neighborhoods Committee, recommending that the communications regarding abandoned shopping carts be received; the City Attorney requested to prepare Ordinance which would require business owners to identify their shopping carts to facilitate the retrieval and return of carts to their owners; staff authorized to remove and impound carts found outside the boundary of any retail establishment's premises and parking area, in accordance with state law; the establishment of a fee authorized in accordance with state law, to recover the cost of retrieving and impounding shopping carts; a fine set payable by the business owner for each incident in excess of three incidents in a six month period in which a shopping cart is retrieved off the business owner's premises and parking area; ~~and~~ grocery stores encouraged to use technology to prevent shopping carts from leaving their property or demonstrate methods to prevent shopping carts from leaving their property; and cite violators who remove carts from shopping center areas unlawfully.

Delete this from Ordinance

Suggested Action: Concur in ~~re~~commendation of Committee.

20. Councilwoman Jackie Kell, Fifth District, Chair, Housing and Neighborhoods Committee, recommending that the communications regarding review of animal control regulations and penalties concerning cruelty to animals be received; the City Attorney requested to prepare a Resolution promoting increased animal adoptions and cruelty prevention programs; an adoptable animal presented at City Council meetings; educational efforts regarding animal cruelty increased; advertisements placed in bus shelters and utility bill mailers regarding animal adoption and listing a hotline phone number to anonymously report acts of cruelty; and encourage public attendance during the sentencing phase of an animal cruelty case.

Suggested Action: Concur in recommendation of Committee.

21. City Manager, regarding quitclaim deed from Catholic Healthcare West Southern California for former Long Beach Community Medical Center property. (District 4)

Suggested Action: Request City Attorney to accept quitclaim deed for land and improvements at Long Beach Community Medical Center.

Date: October 24, 2000
To: Honorable Mayor and City Council
From: Councilwoman Jackie Kell, Chair, Housing and Neighborhoods Committee
Subject: **ABANDONED SHOPPING CARTS**

The Housing and Neighborhoods Committee, at its meeting held on October 17, 2000, considered communications relative to the above subject.

It is the recommendation of the Committee to the City Council that the communications be received; the City Attorney requested to prepare an ordinance which would require business owners to identify their shopping carts to facilitate the retrieval and return of carts to their owners; staff authorized to remove and impound carts found outside the boundary of any retail establishment's premises and parking area, in accordance with state law; the establishment of a fee authorized in accordance with state law, to recover the cost of retrieving and impounding shopping carts; a fine set payable by the business owner for each incident in excess of three incidents in a six month period in which a shopping cart is retrieved off the business owner's premises and parking area; new grocery stores encouraged to use technology to prevent shopping carts from leaving their property or demonstrate methods to prevent shopping carts from leaving their property; and cite violators who remove carts from shopping center areas unlawfully.

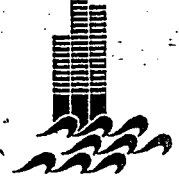
Respectfully submitted,

HOUSING AND NEIGHBORHOODS COMMITTEE

Councilwoman Jackie Kell, Chair

JK:da

Unanimous vote



RECEIVED
CITY CLERK
LONG BEACH, CALIF.
00 OCT 12 PM 3:53

Date: October 17, 2000
To: Members of the Housing and Neighborhoods Committee
From: Christopher J. Garner, Acting Director of Public Works
Subject: Shopping Carts

On August 29, 2000, the City Council requested the City Manager to prepare a report that includes options to solve the citywide abandoned shopping cart issue. The following information provides a brief overview of the City's current efforts, as well as options to alleviate the problems caused by abandoned shopping carts.

In 1997 the State of California adopted AB1427, which expanded the authority of local agencies to collect abandoned shopping carts. Prior to AB1427, local agencies were required to give business owners 72-hour notice before impounding shopping carts. Since AB1427 was passed, local agencies have the authority to impound carts without the 72-hour notice, provided that the owner is notified within 24 hours of impoundment. Business owners are then to be given the opportunity to collect impounded carts free of charge within three days of notification. After three days, the City or local agency may assess a fee to recover actual costs for the retrieval of each cart.

In August 1999, the City issued a purchase order with California Shopping Cart Retrieval Corporation (CSCRC) for the retrieval, impoundment and disposition of abandoned shopping carts. During the first year of the contract with CSCRC, 1,844 shopping carts were impounded. An overwhelming majority of these carts were without identification. These carts were recycled or destroyed. Carts that were identifiable were collected by the respective business. The cost to the City for the CSCRC contract during this time period was \$2,776 or approximately \$231 per month.

The City Attorney's office has advised that the City of Long Beach could establish its own ordinance, pursuant to State law, to allow for the impoundment of abandoned shopping carts and the assessment of fees to recover costs associated with this program.

The following suggested changes would require business owners to take greater responsibility for abandoned shopping carts, as well as encourage businesses to assist in attaining the City's goal of neighborhood beautification.

Staff recommends that the Committee recommend to the City Council that an ordinance be adopted that would:

- ✓ • Require all shopping carts to be marked with identification to facilitate the retrieval and return of carts to their owners.
- ✓ • Authorize staff to remove and impound carts found outside the boundary of any retail establishment's premises and parking area, in accordance with State law.
 - Authorize the establishment of a fee, in accordance with State law, to recover the costs of retrieving and impounding shopping carts.
 - Set a fine payable by the business owner for each incident in excess of three in a six-month period in which a shopping cart is retrieved off the owner's premises and parking area.

Staff further recommends that the Committee recommend to the City Council that a fee resolution be adopted setting a fee to recover the cost of providing cart retrieval service.

It may be possible to create incentives for self-policing through the business license process. For example, a business could be required to clear any outstanding impounds and demonstrate that it has a program to retrieve carts taken off its premises prior to receiving a renewed business license. If this is a direction the Committee would like investigated, staff from the Integrated Resources Bureau, Business License Division and the City Attorney's Office should be asked to meet and formulate a proposal.

Future efforts to curb shopping cart abandonment should include coordination with neighboring jurisdictions. Staff has been in contact with the City of Signal Hill to establish a cooperative effort for carts carried across city boundaries.

Deputy City Attorney Lisa Peskay Malmsten reviewed this report on October 11, 2000.

TIMING CONSIDERATIONS

Council action on this matter is not time critical.

FISCAL IMPACT

Staff is currently researching the total cost of retrieving and impounding shopping carts so that a per-cart fee can be determined. It is estimated that the actual cost will be between \$20 and \$25 per cart. This fee is comparable to that charged by other cities.

IT IS RECOMMENDED THAT THE COMMITTEE:

Recommend that the City Council request the City Attorney to draft a City Ordinance requiring business owners to identify their shopping carts, authorizing the City to remove and impound carts pursuant to State law, and authorizing the establishment of fees related to shopping cart retrieval. Further, request the City Attorney to prepare a fee resolution to implement such fees.

AND/OR

Instruct staff to investigate including a compliance program as part of the business license process, and report back to this Committee so that the Committee can issue a report and make a recommendation to the City Council.

CG:JK:dm
Shopcartcomrpt3.sc

APPROVED:

Christine J. Davis

for

HENRY TABOADA
CITY MANAGER

PROPOSED REGULAR AGENDA ITEMS FOR THE MEETING OF OCTOBER 24, 2000

| <u>Agenda No.</u> | <u>SUBJECT-DISTRICT</u> | <u>Department</u> | <u>Action</u> |
|-------------------|---|-------------------|---|
| 4. | Award of Contract No. G-221 for Construction of 20-Inch Diameter High Pressure Gas Main Relocation (District 2) | Financial Mgmt. | Award a contract to the lowest responsible bidder indicated on the attached report in the estimated amount of \$123,500 and authorize the City Manager to execute same. |

ACTIONS TAKEN AT THE HOUSING AND NEIGHBORHOODS COMMITTEE MEETING ON OCTOBER 17, 2000

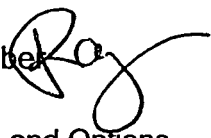
| | |
|---------|--|
| Agenda | 1. Abandoned Shopping Carts |
| Action: | <i>Referred to the City Attorney</i> <i>Requested the City Attorney to prepare an ordinance requiring business owners to identify their carts; authorizing staff to remove and impound carts in accordance with state law; authorizing the establishment of fees in accordance with state law; encouraging new businesses that use shopping carts to take steps to keep carts on their premises and citing violators who remove carts from shopping center premises unlawfully.</i> |
| Agenda | 2. Review of Animal Control Regulations and Penalties Concerning Cruelty to Animals |
| Action: | <i>Referred to the City Council to request the City Attorney to prepare a resolution promoting animal adoption and cruelty prevention programs, including the following: increased educational efforts about animal cruelty; encourage that an animal be brought to City Council each week for adoption; encourage public attendance during the sentencing phase of an animal's cruelty case; establish an animal cruelty hotline that people could call anonymously; look at using bus shelters and The Wave or utility bills to advertise messages about animal cruelty.</i> |
| Agenda | 3. Report on Child Care Services in the City of Long Beach |
| Action: | <i>Received and filed the report.</i> |

| | | | | | |
|-------------------|-------------------------|---------|---------------|------------|---|
| Post-It* Fax Note | 7671 | Date | 10-19-00 | # of pages | 2 |
| To | LISA PESKOV MALMSTEN | From | DARLENE ADAMS | | |
| Co./Dept. | CITY ATTORNEY | Co. | CITY CLERK | | |
| Phone # | | Phone # | 86259 | | |
| Fax # | 436-1579 | Fax # | | | |



RECEIVED
CITY CLERK
LONG BEACH, CALIF

00 AUG 24 AM 10: 34

Date: August 29, 2000
To: Honorable Mayor Beverly O'Neill and Members of the City Council
From: Ray Grabinski, Seventh District Councilmember 
Subject: Request for Report on Shopping Cart Program and Options

Please provide within 30 days a report on the citywide problem of the shopping cart retrieval program. This is unsightly throughout the city and poses as a danger to our youth.

Please include options, if any, that can be added to the responsibility of the business license to include a citation if they do not retrieve carts. Or, possibly added to developer plans that carts cannot leave the parking lots of new developments. (Example: Vons on Broadway.)

According to the memo received from Public Works dated February 9, 2000 that recommends requests be directed to California Shopping Cart Retrieval Corporation (CSCRC), response time has been lapse in the 24-hour response time by sometimes greater than a week carts are not retrieved.

Suggested Action:

Request the City Manager to prepare a report to the City Council within 30 days that includes solutions and options to the citywide shopping cart problem.

RECEIVED
CITY CLERK
LONG BEACH, CALIF.

00 JAN 20 AM 9: 53

~~37~~

Date: January 20, 2000

To: Mayor and City Council

From: Councilmember Dan Baker 

Subject: Shopping Carts

Abandoned shopping carts continue to be a nuisance in our neighborhoods as well as a financial burden for our grocery and retail stores. I would like to request the Housing and Neighborhoods Committee review the issue of abandoned shopping cart and the technology available to prevent carts from being removed from store property.



HAM
pls see me
B 1:30
Bromberg

Date: October 27, 1998
To: Robert E. Shannon, City Attorney
From: Alan S. Lowenthal, Councilmember, Second District
Subject: Shopping Cart Retrieval

Assembly Bill 1427, which pertains to shopping cart retrieval, will become effective January 1, 1999. As you know, existing law allows local jurisdictions to impound abandoned carts only after a 3-day waiting period following notice. The new law, a copy of which is attached, will allow local jurisdictions to impound shopping carts without the 3-day notice requirement providing the owner is notified within 24 hours of impound and the cart is released without charge if reclaimed within 3 days after notice. Owners who do not retrieve carts within the 3 days may be fined \$50 per occurrence if they have more than three occurrences within a 6-month period. An occurrence includes all carts impounded in a day. Carts not identified may be disposed of or sold.

Currently, California Shopping Cart Retrieval Corporation, Inc., retrieves carts for its members, and many independents have retrieval trucks. CSCRC says independents steal and deface CSCRC members' carts, however, and encourages shoppers to take them. Despite retrieval services, the problem of abandoned carts appears to be out pacing retrieval.

CSCRC has proposed entering into a contract with the City to retrieve all abandoned carts, warehouse those that do not belong to members, and provide information to the City, who would perform the notice function (either through Financial Management or a subcontractor). CSCRC claims contract fees would be recouped from fines and claims cities where they now operate have virtually eliminated the abandoned cart problem. My office has been talking with CSCRC since AB 1427 was introduced. CSCRC now proposes charging the City \$200 per month, city-wide, for its service. CSCRC has provided a sample contract (copy attached), and I would to explore entering into such an agreement.

I would like to set up a meeting with a CSCRC representative, a member of your staff, and appropriate Management personnel. If you feel this is advisable, I will ask Janice Peck to contact all parties and schedule a meeting.

ASL/blm
SCCA.MEM

P.O. must authorize CSCRC to send notice, too.
" " include insur.



City of Long Beach

Working Together to Serve

0422.01-44

Memorandum

Date: November 7, 1994
To: Alan Lowenthal, Chair, Housing and Neighborhoods
From: William H. Keiser, Deputy City Attorney
Subject: Grocery Cart Issue

Following our discussion of a week or so ago, I went through our files to see what we have on grocery-shopping carts. I've copied the related material and am transmitting it with this memoranda. If you want to get together to discuss this issue, let me know.

JOHN R. CALHOUN, City Attorney

By Bill Keiser
Deputy

WHK:amp



California
Grocers
Association

RECEIVED
OFFICE OF THE MAYOR
CITY OF LONG BEACH

92 AUG 11 AM 11:12

*Serving the food industry
of California since 1898*

906 G Street, Suite 700
Sacramento, CA 95814

P.O. Box 2671
Sacramento, CA 95812-2671

Tel: (916) 448-3545

Fax: (916) 448-2793

July 31, 1992

The Honorable Ernie Kell
Long Beach City Hall
333 West Ocean Blvd.
Long Beach, CA 90802

Dear Mayor Kell:

The California Grocers Association represents approximately 8,000 retail grocers throughout the State. We are planning to implement a comprehensive, industry-funded cart retrieval program in the four-county Southern California area (encompassing Los Angeles, Orange, Riverside and San Bernardino counties).

To best organize the cart retrieval program, we need information from local cities and counties:

- o Do you have any local laws currently in effect regarding shopping carts?
- o Are you aware of any proposed ordinance or regulations affecting cart retrieval in your area?

To facilitate a quick and easy answer from you, we've enclosed a response sheet.

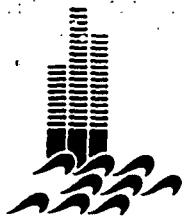
If you have any questions, please call me, or Beth Beeman, Director of City/County Governmental Relations in our Southern California office (310) 432-8610.

Thanks so much for your assistance.

Sincerely,

CALIFORNIA GROCERS ASSOCIATION

Don C. Beaver
President
PBW/lhb



CITY OF LONG BEACH

400 WEST BROADWAY • LONG BEACH, CALIFORNIA 90802

WILLIAM C. ELLIS
Chief of Police

SEARCHED - 4
FBI 3:54

March 8, 1994

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

SUBJECT: Enforcement and Prosecution of the Ordinance Violations Regarding Theft of Refuse, Possession of Shopping Carts, Non-Encampment, Loitering, Harassment, Panhandling, Park and Beach Curfew, Illegal Advertising (Anti-Fliers) and Prostitution

It is recommended that the City Council receive and file this report on enforcement and prosecution of the ordinance violations regarding Theft of Refuse, Possession of Shopping Carts, Non-Encampment, Loitering, Harassment, Panhandling, Park and Beach Curfew, Illegal Advertising (Anti-fliers) and Prostitution.

BACKGROUND

At the February 8, 1994 meeting of the City Council, staff was requested to investigate and prepare a report regarding the enforcement and prosecution of the below listed ordinances.

Theft of Refuse

Section 8.60.130 of the Long Beach Municipal Code makes it unlawful for any unauthorized person to remove a recyclable receptacle from a place where it has been put by an authorized person or to remove any contents or recyclable materials from within the receptacle.

The Police Department is working with the Integrated Resources Bureau of the Public Works Department to identify the areas where the thefts are occurring. As information is developed from residents regarding the day, time, and location of the scavenging activity, the information is forwarded to the Patrol Bureau on a daily basis. The information is then distributed to the appropriate beat officers for follow-up on the next collection day.

The Career-Criminal Apprehension Team (C-CAT) Detail is working with the Integrated Resources Bureau to identify and apprehend those individuals who have been reported to use their vehicles in the collection of recyclables on a regular basis.

11

HONORABLE MAYOR AND CITY COUNCIL

March 8, 1994

Page 2

By agreement between the Police Department and the Department of Public Works, starting July 1, 1994, the Police Department will provide a minimum of 15 hours each week of targeted enforcement.

As scavenging is not unique to cities that provide residential recycling services, the Department of Public Works and the Police Department are working with other California cities to find successful solutions to the problem. Through contact with other cities, it was learned that Long Beach has one of the most proactive strategies to reduce scavenging activity.

Possession of Shopping Carts

Section 22435.2 of the Business and Professions Code makes it unlawful to do any of the following:

- a. To remove a shopping or laundry cart from its lawful premises with the intent to temporarily or permanently deprive the proprietor of possession of the cart.
- b. To be in possession of any shopping or laundry cart that has been removed from the business premises or parking lot.
- c. To be in possession of a shopping or laundry cart that has had the identification or identifying mark removed or tampered with.

In order for this code to be enforced, a shopping or laundry cart must have a permanently affixed sign that identifies the owner of the cart or the retailer, notifies the public of the procedures to be utilized for authorized removal of the cart from the premises, notifies the public that the unauthorized removal of the cart from the premises or parking area of the retail establishment, or the unauthorized possession of the cart, is a violation of State law, and lists a telephone number or address for returning the cart to the owner or retailer.

Police officers frequently contact subjects that are in possession of shopping and laundry carts. These contacts sometimes result in felony arrests because some of the subjects use the carts to transport stolen items, such as televisions and stereos. On other occasions, the violators are issued a misdemeanor citation for the above violations and the carts are impounded and returned to the owners.

HONORABLE MAYOR AND CITY COUNCIL

March 8, 1994

Page 3

Non-Encampment

Section 16.16.010(E) of the Long Beach Municipal Code states no person shall camp or lodge except in those areas designated by the director of parks, recreation and marine in areas set aside for that purpose.

Section 9.42.010(A) of the Long Beach Municipal Code makes it unlawful for any person to camp on public property (including rights-of-way), whether improved or unimproved, whether inside or outside a vehicle, between the hours of 10:00 p.m. one day and 5:00 a.m. of the next day, except public property designated for overnight camping. 9.42.010(C) of the Long Beach Municipal Code defines "camp" to mean the use of tents or other temporary shelters, or non-City designated cooking facilities.

In keeping of the spirit of the law, patrol officers generally advise violators of the law and then ask them to move on. If officers repeatedly encounter the same violator, they will either cite the violator or make an arrest. It should be noted that a person who is sleeping in a sleeping bag or a bed roll is not in violation.

The City of Santa Ana has an ordinance about camping which is very similar to the Long Beach ordinance. The Santa Ana ordinance is currently being challenged in court and the outcome could influence the Long Beach ordinance and its future enforcement.

Loitering, Harassment and Panhandling

Section 647(c) of the California Penal Code states any person who accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting also is guilty of disorderly conduct, a misdemeanor. Based upon a 1993 case, the courts have found that the actions of the violator must be intimidating or harassing.

Section 602.1(a) of the California Penal Code states any person who intentionally interferes with any lawful business or occupation carried on by the owner or agent of a business establishment open to the public, by obstructing or intimidating those attempting to carry on business, or their customers, and who refuses to leave the premises of the business establishment after being requested to leave by the owner or the owners' agent, or by a peace officer acting at the request of the owner or agent, is guilty of a misdemeanor. This section does not apply to lawful labor union

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activities or to persons who are engaged in activities that are protected by the State or Federal constitution.

Section 9.30.050 of the Long Beach Municipal Code prohibits any person from blocking, impeding, or obstructing any public place or any entrance, exit or approach to any place of business in a manner calculated or with intent to prevent, delay, hinder, or interfere with any person in the free passage along or the entering or leaving of such public place or place of business. Violations of this code is a misdemeanor.

Section 9.58.010 of the Long Beach Municipal Code prohibits any person under the age of 18 years loitering, idling, or wandering in or upon any public place between the hours of 10:00 p.m. and the time of sunrise the following day; provided, however, that the code will not apply when the minor is accompanied by a parent, guardian, or other adult person having the care and custody of the minor, or when the minor is returning directly home from a public meeting, school, or recreational activity.

With respect to the juvenile curfew and loitering law, Long Beach Police Officers are currently engaged in intense enforcement of violators. Officers are arresting and transporting the violators to a holding site, or they are citing the violators and then transporting them home.

With respect to the interference with business operations because of loitering or panhandling, Community Relations Division officers have signed up 515 businesses in the City for the "Business Watch Program." They have also educated those business owners and agents about Section 602.1(a) P.C.. As a result of business owners and agents willing to get involved, patrol officers have made several arrests for violation of Section 602.1(a) P.C.

All of the aforementioned codes related to loitering, harassment, and panhandling are seldom enforced solely on observations of a police officer. This is due to the fact that officers cannot arrest for a misdemeanor violation unless they personally observe the violation. Enforcement of these codes generally comes as a result of a citizens' arrest.

Park and Beach Curfew

Section 16.16.010(K) of the Long Beach Municipal Code prohibits any person to remain, stay or loiter between the hours of 10:00 p.m.

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and 5:00 a.m. at any public park, public beach, public building or enclosure, or enclosure or public amphitheater or plaza.

Long Beach Police Officers, Marine Patrol Officers, and Park Rangers frequently encounter violators of the beach and park curfews. In keeping with the spirit of the law, officers generally advise the violators of the law and send them on their way. In those situations where it is obvious that the violator was probably in the park or on the beach to commit a crime, officers will arrest or cite the violator.

Due to recent developments surrounding the Coastal Commission, officers have been much more discreet in the enforcement of the beach curfew.

Illegal Advertising (Anti-Fliers)

Section 5.46.010 of the Long Beach Municipal Code defines "advertising matter" as any broadside, booklet, card, circular, dodger, handbill, poster, newspaper, or other advertising medium of a similar nature.

Section 5.46.070 of the Long Beach Municipal Code restricts the distribution of advertising matter on private property when: There is an erected sign in a conspicuous place upon the property containing the words, "no advertising matter," or it is apparent that the property is unoccupied, or it is apparent that a previous days' distribution of advertising matter has not been removed.

Section 5.46.090 of the Long Beach Municipal Code prohibits public distribution by anyone for any business, profession, trade, transportation line, excursion or any other purpose in person, or by personally selling, offering for sale, or distributing any tickets, cards, handbills or any other printed or written matter or merchandise in or upon any public street, alley, sidewalk, way, pier, wharf or other public place, or in or on any vehicle in any such place in the City, except for those lawfully permitted under Chapter 5.66.

Police officers rarely come upon violators of the handbill and advertising ordinance. If they do come into contact with a violator, officers usually advise the violator of the law and then fill out a field interview card on the violator. If a citizen personally witnessed a violation of the handbill and advertising ordinance, and was willing to place the violator under citizen

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arrest, then a police officer is obligated to accept the lawful arrest and process the violator.

The Financial Management Department has sent letters to various businesses that have been identified as having distributed fliers in violation of the law. The letter advises that the illegal distribution may result in a citation and could result in revocation of the business license. The difficulty in enforcement arises because the license inspectors do not encounter the persons doing the distribution and therefore cannot issue citations. With regard to revocation of the business license, that is a very drastic measure that the department is reluctant to take.

Prostitution

Section 647(f) of the California Penal Code defines prostitution as an offer or solicitation from one person to another person to engage in a lewd act for money or other consideration. Any person who solicits or engages in a lewd act for money or other consideration is guilty of disorderly conduct, a misdemeanor.

The Vice Section of the Long Beach Police Department has attempted to combat prostitution in the following ways:

In 1993, vice officers conducted 16 "Prostitution Abatement Program" operations where undercover officers posed as potential customers of prostitution. The undercover officers targeted street prostitutes. Vice officers also conducted nine "John Program" operations where they targeted the customers of street prostitutes. Finally, vice officers conducted two parole violation sweeps where they targeted those individuals who were clearly in violation of their respective terms of probation or parole. Nine hundred sixty-seven arrests were made as a result of the 27 operations.

In addition to conducting their own programs, vice officers have been working closely with other divisions by providing training about prostitution enforcement and by supplying undercover vehicles for directed patrol operations.

Vice officers have begun to work closely with other facets of the criminal justice system. Officers meet quarterly with judges and prosecutors to discuss ways to improve prostitution enforcement. They also meet with parole and probation officials to learn about those prostitutes that may be in violation of probation or parole.

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Finally, vice officers have begun to meet with citizen and business groups in order to educate the public about prostitution, to gain support for enforcement action, and to develop community strategies to combat prostitution. The Vice Section has aspired to investigate and resolve all prostitution complaints within 60 days.

The Patrol Bureau has attempted to combat prostitution in the following ways:

Patrol Bureau officers have participated in directed patrol operations where patrol officers have dressed in plainclothes and have targeted street prostitutes in the same way as vice officers do in the "Prostitution Abatement Programs." On a daily basis, uniformed patrol officers target prostitution customers by closely monitoring and enforcing any traffic violation that may have been committed prior to or during a contact between prostitutes and customers. On occasion, patrol officers happen upon a prostitute and a customer engaged in a sexual act. The prostitute and customer are promptly arrested for lewd conduct, also a misdemeanor.

All of the operations conducted by both vice and patrol officers have focused on the prostitutes who operate on the City's major thoroughfares. Those thoroughfares include: Broadway, 7th Street, Anaheim Street, Pacific Coast Highway, Artesia, Long Beach Boulevard, Atlantic Avenue and Redondo Avenue.

Juanita McDonald, Assemblywoman, 55th District, recently introduced an assembly bill in the California Assembly whereby the City of Long Beach would be added to a law that allows the cities of Oakland and San Diego to seize and to later sell any vehicles found to be used for prostitution. This would include vehicles belonging to either the prostitute or the customer.

All of the aforementioned laws and ordinances are misdemeanors. Any violations of those laws and ordinances are presented to the City Prosecutor's Office for review and subsequent prosecution if appropriate.

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IT IS RECOMMENDED THAT THE CITY COUNCIL:

Receive and file this report.


Respectfully submitted,



William C. Ellis
Chief of Police

WCE:RSH:dbs
c:enforce.rsh

APPROVED:



James C. Hankla
City Manager