



**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