

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 CART CONTAINMENT

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

WHEREAS, the City Council of the City of Long Beach intends that the owners of shopping carts should be held responsible for containing their shopping carts on their respective business premises;

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 to read as follows:

8.61

Shopping Carts

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. "Business premises" means the interior of a cart owner's commercial establishment, adjacent walkways, any loading area, and the parking area, as defined herein.

B. "Cart owner" means the owner or operator of a commercial establishment which provides carts for use by its customers for the purpose of transporting goods of any kind. Cart owner includes the

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

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1 on-site manager or designated agent of the actual cart owner.

2 C. "Cart identification sign" means a sign or engraved surface
3 which is permanently affixed to a shopping cart containing all of the
4 information specified in Section 8.61.050 of this Chapter.

5 D. "Cart removal warning" means a placard, sign or painted text
6 which meets the requirements of Section 8.61.030 of this Chapter.

7 E. "Individual cart identification number" means a number unique
8 to each cart owned or provided by a cart owner.

9 F. "On-site cart containment program" means one or more of the
10 following measures:

11 1. Disabling devices on all shopping carts which prevent
12 them from being removed from the business premises by locking the
13 wheels or otherwise preventing the movement of the carts;

14 2. An on-site security guard to deter customers who
15 attempt to remove carts from the business premises;

16 3. Bollards and chains around the business premises to
17 prevent cart removal, if permitted by the Fire Marshal;

18 4. Obtaining a security deposit from customers for the on-
19 site use of shopping carts;

20 5. The rental or sale of utility carts that can be temporarily
21 or permanently used for the transport of goods;

22 6. Any other measure approved by the Director of Planning
23 and Building as a means to contain carts on premises.

24 G. "Parking area" means a parking lot or other property provided
25 by a commercial establishment for use by a customer for parking an
26 automobile or other vehicle. In a multi-store complex or shopping center,
27 "parking area" includes the entire parking area used by or controlled by
28 the complex or center.

1 H. "Physical containment system" means one of the following, as
2 approved by the Director of Planning and Building:

3 1. Disabling devices on all shopping carts which prevent
4 them from being removed from the business premises by locking the
5 wheels or otherwise preventing the movement of the carts.

6 2. Any other system of equipment approved by the Director
7 of Planning and Building which physically contains shopping carts on
8 premises.

9 I. "Shopping cart" means a basket which is mounted on wheels or
10 a similar device provided by the operator of a commercial establishment
11 for the use of customers for the purpose of transporting goods of any
12 kind. A cart sold by a commercial establishment to a retail customer for
13 that customer's personal use is not a shopping cart for the purposes of
14 this Chapter.

15
16 8.61.020 Cart containment system - required.

17 A. Every cart owner shall operate and maintain an on-site cart
18 containment program.

19 B. Each cart owner must contain all shopping carts on the
20 business premises at all times.

21 C. Any instance in which a shopping cart owned or provided by a
22 cart owner is found off of the business premises shall be considered a
23 violation of subSection (B) of this Section by the cart owner and is
24 subject to administrative citation. Each twenty-four (24)-hour period the
25 cart remains off premises shall be considered a separate violation.
26 Following the issuance of more than ten administrative citations to the
27 same cart owner within a 12-month period, subsequent violations by that
28 cart owner may be prosecuted by the city prosecutor pursuant to Section

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1.32.010 (E) of the municipal code.

8.61.030 Cart removal warnings.

A. Every cart owner shall post and maintain cart removal warnings which meet all of the following minimum specifications:

1. Meet or exceed 18 inches in width and 24 inches in height.
2. Using block lettering not less than one-half inch in width and two (2) inches in height, contain a statement in two or more languages to the effect that unauthorized removal of a shopping cart from the business premises, or possession of a shopping cart in a location other than on the business premises, is a violation of state law and City ordinance.
3. List a local or toll-free telephone number for cart retrieval.
4. Be affixed to the interior and exterior wall of the building or otherwise permanently and prominently displayed within two (2) feet of all customer entrances and exits.

B. Cart removal warnings on the exterior of the building are not considered "signs" for the purpose of calculating maximum allowable signage under title 21 of the municipal code.

8.61.040 Employee training - cart removal prevention.

Each cart owner shall conduct ongoing employee training to educate new and existing employees about procedures to prevent cart removal, including the operation of the cart containment system.

8.61.050 Cart identification signs for shopping carts.

A. Each shopping cart owned or used within the City shall have, permanently affixed and easily visible, a cart identification sign or engraved surface which includes all of the following information in not

1 less than 20-point type: the name, the site-specific street address and
2 telephone number of the cart owner or commercial establishment to
3 which the cart belongs or both, the individual cart identification number, a
4 valid toll-free phone number for cart retrieval, the procedure (if any) to be
5 followed to obtain permission to remove the cart from the business
6 premises, and a notice to the public that unauthorized removal of the cart
7 from the business premises is a violation of state law and City ordinance.

8 B. It shall be the responsibility of each cart owner to comply with
9 Subsection (A) of this Section, and to continuously maintain, or cause to
10 be maintained, the cart identification sign so that all of the required
11 information is accurate and clearly legible.

12
13 8.61.060 Cart removal from business premises - written permission required.

14 No person shall be deemed to be authorized to remove a cart
15 unless he or she possesses written authorization from the cart owner.
16 This Section shall not apply the possession of a shopping cart removed
17 from the business premises at the direction of the cart owner for the
18 purposes of repair or maintenance.

19
20 8.61.070 Physical containment system.

21 A. A cart owner shall be required to install a physical containment
22 system to the satisfaction of the Director of Planning and Building when
23 the cart owner establishes a new business consisting of more than five
24 thousand square feet.

25 B. A cart owner may be required to install a physical containment
26 system to the satisfaction of the Director of Planning and Building and the
27 city prosecutor following the issuance of more than ten administrative
28 citations in any twelve (12) month period.

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8.61.080 City powers not limited by this Chapter.

Nothing in this Section is intended to limit the ability of the city to remove or dispose of any cart to which a cart identification sign is not attached, or to remove or dispose of any cart which impedes the provision of emergency services, or which is an immediate threat to public health and safety, to the full extent permitted by state law.

Sec. 2. Enforcement of this ordinance shall be stayed until September 15, 2006.

Sec. 3. The City Clerk shall certify to the passage of this ordinance by the City Council of the City of Long Beach and cause it to be posted in three conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2006, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor