

## CHAPTER 17 – NUISANCES

### Sec. 17-65. Shopping Carts; definitions.

In this chapter, unless the context otherwise requires:

(a) “Actual Notice” is defined as oral or written notice delivered to the owner of the shopping cart or retailer at the address on their sales tax or business license on file with the City by any of the following means:

- (1) Personal service upon the location of the owner of the shopping cart or retailer. Personal service upon an employee of suitable age and discretion at such location is sufficient.
- (2) Service by first class U.S. Mail or any recognized express delivery service upon the owner of the shopping cart or the retailer.
- (3) Service by Facsimile to the Fax number of the owner of the shopping cart or the retailer.
- (4) Service by Electronic Mail to the E-mail address of the owner of the shopping cart or the retailer.
- (5) Service by posting the notice on the premises of the Owner of the shopping cart or the retailer.

(b) It shall be presumed that the address on the sales tax or business licenses on file with the City is the address of the owner of the shopping cart or retailer, unless the owner or retailer notifies the City in writing of a different address.

(c) "Business of shopping cart retrieval" means searching for, gathering and restoring possession to the owner or the owner's agent, for compensation or in expectation of compensation, of shopping carts located outside the premises or parking area of a retail establishment.

(d) “Electronic Device” means a device using Radio Frequency Identification Devices or similar technology that is designed to prevent the Shopping Cart from being pushed and moved if removed from the premises of the Owner of the Shopping Cart or Retailer.

(e) "Parking area" means a parking lot or other property provided by a retailer for use by a customer for parking any automobile or other vehicle.

(f) “Possession” means being in actual physical control of the shopping cart at the time of issuance of a citation or to permit the shopping cart to be located on property that the individual is the lawful owner, lessee or possessor of.

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(g) “Premises” means the designated premises of a retailer as set forth on the approved site plan on file with the city, together with parking areas as defined in this chapter.

(h) “Restrictive Device” means some form of Electronic Device, locking mechanism, mechanical device or other device that interferes with operation and/or removal of the shopping card from the designated premises of the retailer.

(i) "Shopping cart" means a basket that is mounted on wheels or a similar device that is generally used in a retail establishment by a customer for the purpose of transporting goods of any kind.

(Ord. No. 91-08, 2/12/91)

(Ord. No. 92-39, 10/6/92)

(Ord. No. 93-01, 1/5/93, Reserved )

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