

CHAPTER 17 – NUISANCES

Sec. 17-67. Shopping carts; activities; prohibitions; notices; applicability; consent; presumption; violations.

(a) A person shall not do any of the following with the intent to temporarily or permanently deprive the owner or retailer of possession of a shopping cart:

- (1) Remove a shopping cart from the premises or parking area of a retail establishment.
- (2) Be in possession of any shopping cart that has been removed from the premises or parking area of a retail establishment.
- (3) Be in possession of any shopping cart with the serial numbers removed, obliterated or altered.
- (4) Leave or abandon a shopping cart at a location other than the premises or parking area of the retail establishment.
- (5) Alter, convert or tamper with a shopping cart, remove any part or portion of a shopping cart or remove, obliterate or alter serial numbers on a shopping cart, or obliterate or alter the name of the owner or remove, obliterate or alter any Restrictive Device that the Shopping Cart is equipped with.
- (6) Be in possession of any shopping cart while that cart is not located on the premises or parking lot of a retail establishment.

(b) Each owner of a shopping cart or retailer shall post a notice in English and Spanish in the following format in a location on their premises reasonably accessible to the public as follows:

NOTICE: REMOVAL OF SHOPPING CARTS FROM THE PREMISES AND PARKING LOT OF THIS ESTABLISHMENT IS ILLEGAL. PERSONS REMOVING SUCH CARTS MAY BE SUBJECT TO PENALTIES NOT TO EXCEED A FINE OF \$500.00 AND IMPRISONMENT FOR UP TO 30 DAYS IN JAIL.

(c) Each owner of a shopping cart or retailer shall place on each shopping cart in their control the name of their business, address and telephone number.

(d) On or after October 1, 2007, an owner of a shopping cart or retailer who certifies to the City that all of their shopping carts are equipped with a Restrictive Device to make the carts immobile if removed from the premises shall be exempt from subsections (b) and (c).

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(e) An owner of a shopping cart or retailer shall only give consent in writing to the removal of a shopping cart from the premises or parking lot of their establishment. It shall be presumed as a matter of law that any person not having written consent other than the owner of the car or the retailer, in possession of a shopping cart located outside the premises of the owner or retailer has temporarily or permanently deprived the owner or retailer of possession of the shopping cart.

(f) This section does not apply to:

(1) The owner of a shopping cart or to a retailer or a retailer's agents, or employees.

(2) A customer of a retail establishment who has written consent from the owner of a shopping cart or a retailer to be in possession of the shopping cart or to remove the shopping cart from the premises or the parking area of the retail establishment

(3) An employee of the City designated to retrieve shopping carts.

(f) Violation of subsection (a) of this section is a class three (3) misdemeanor. Violation of subsection (b) shall be enforced by a civil penalty. The minimum civil penalty imposed by the Court shall not be less than one hundred (\$100.00) dollars.

(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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