

CHAPTER 17 – NUISANCES

Sec. 17-68. Shopping carts; finding; impoundment of shopping carts by local agencies; conditions; emergencies; costs; fines; disposal of unclaimed carts; applicability.

(a) A shopping cart that does not have any identification affixed to in accordance with Arizona Revised Statutes Section 44-1799.32 or Section 17-66 of this code is deemed a public nuisance and may be immediately and summarily abated by impoundment of the shopping cart. The City shall publish a notice one time describing such carts in a newspaper of general circulation in the City. A shopping cart that is not reclaimed from the City within fifteen days (15) following publication of the notice of impound may be sold or otherwise disposed of by the City in the City's sole discretion.

(b) A shopping cart that has a sign affixed to it in accordance with Arizona Revised Statutes Section 44-1799.32 or Section 17-66 of this code may be impounded by the City provided all of the following conditions are met:

(1) The shopping cart is located outside the premises or parking area of a retail establishment. The parking area of a retail establishment located in a multi-store complex or shopping center includes the parking area used by the complex or center.

(2) The shopping cart is not retrieved within three business days after the date the owner of the shopping cart, or the owner's agent, receives actual notice from the city, town or county of the shopping cart's discovery and location.

(c) If the location of the shopping cart will impede emergency services, obstruct vehicle traffic or create a safety hazard to the public on a public right-of-way, the City may immediately retrieve the shopping cart from public or private property. It shall be presumed that a shopping cart blocking a sidewalk or bicycle path is a safety hazard to the public.

(d) The City shall recover its costs for impounding a shopping cart in the amount provided in Table 17-68 of this code.

(e) The City shall post on its website, the address and telephone number of the location where shopping carts will be impounded by the City and the hours that the location is open for business.

(f) The owner of a shopping cart or retailer shall retrieve the shopping cart within one business day after receiving notice. The owner of a shopping cart or retailer who has had more than three occurrences of shopping carts being impounded and failing to retrieve the shopping cart within one business day after receiving notice, within a six month period shall be charged a civil penalty of fifty dollars (\$50.00) in addition to the impound fees. An occurrence includes all shopping carts impounded in accordance with this section in a one day period.

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(g) A shopping cart that is not reclaimed from the City within thirty days after receipt of a notice of the impound by the owner of the shopping cart may be sold or otherwise disposed of by the City in the City's sole discretion.

(h) Notwithstanding subsection (b), paragraph 2 of this section, a city, town or county may impound a shopping cart that otherwise meets the criteria prescribed in subsection (b), paragraph 1 of this section without complying with the three day advance notice requirement if all of the following apply:

(1) The owner of the shopping cart or the owner's agent is provided with actual notice within twenty-four hours after the impound and that notice informs the owner or the owner's agent of the location where the shopping cart may be claimed.

(2) The shopping cart is impounded at a location in compliance with subsection (e) of this section.

(3) The shopping cart is reclaimed by the owner or the owner's agent within three business days after the date of actual notice as provided in paragraph 1 of this subsection and is released and surrendered to the owner or agent at no charge, including the waiver of any impound and storage fees or fines that would otherwise apply pursuant to subsection (d) or (f) of this section. Any cart reclaimed within the three business day period is not deemed an occurrence for purposes of subsection (f) of this section.

(i) Any shopping cart not reclaimed by the owner or the owner's agent after three business days after the date of actual notice as provided in subsections (b) and (h) of this section is subject to any applicable fee or fine imposed pursuant to subsection (d) or (f) of this section commencing on the fourth business day after the date of the notice.

(j) Any shopping cart not reclaimed by the owner or the owner's agent within thirty days after the date of actual notice as provided by subsection (h), paragraph 1 of this section may be sold or disposed of in accordance with subsection (g) of this section.

(k) On or after October 1, 2007, any owner of a shopping cart or retailer who has certified to the City that all of their shopping carts are equipped with a restrictive device to prevent removal from the premises of the owner or retailer shall be exempt from being charged any collection or impound fees for any carts collected by the City.

(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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