

ORDINANCE NO. 2266

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDLANDS
ADDING CHAPTER 8.72 TO THE REDLANDS MUNICIPAL CODE RELATING
TO THE ABANDONMENT OF SHOPPING CARTS

BE IT ORDAINED BY THE CITY OF REDLANDS AS FOLLOWS:

Section 1. Chapter 8.72 entitled "Abandonment of Shopping Carts" is hereby added to the Redlands Municipal Code to read as follows:

CHAPTER 8.72
ABANDONMENT OF SHOPPING CARTS

Sections:

8.72.010	Declaration of Public Nuisance
8.72.020	Definitions
8.72.030	Abandoned Cart
8.72.040	Administration and Enforcement
8.72.050	Shopping Cart Abatement
8.72.060	Removal of Wrecked Shopping Carts
8.72.070	Assessments for Shopping Cart Removal - Hearings
8.72.080	Identification of Shopping Carts
8.72.090	Removal from Premises Prohibited - Exceptions
8.72.100	Abandonment Prohibited
8.72.110	Owner's Responsibility to Prevent Littering
8.72.120	Unlawful Possession

Section 8.72.010. Declaration of Public Nuisance. The City Council has determined that the accumulation and storage of wrecked, dismantled, or abandoned shopping carts, or parts thereof, on public or private property creates a condition tending to reduce property values, promote blight and deterioration, constitute an attractive nuisance creating a hazard to the health and safety of minors, and be aesthetically detrimental to the community and injurious to the health, safety and general welfare. Therefore, the presence of wrecked, dismantled or abandoned shopping carts, or parts thereof, on public or private property, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this Chapter.

Section 8.72.020. Definitions. The following definitions shall apply to this Chapter:

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

- (b) "Public property" means and includes, but is not limited to, all areas dedicated to public use for public street purposes, roadways, parkways, alleys, sidewalks, flood control channels and any public right-of-way.
- (c) "Parkway" means that area between the sidewalks and the curb of any street, and where there is no sidewalk, that area between the edge of the roadway and the property line adjacent thereto. Parkway shall also include any area within a roadway which is not open to vehicular travel.

Section 8.72.030. Abandoned Cart. When a shopping cart is left standing on any public or private property, the shopping cart shall be deemed to be abandoned and therefore a public nuisance pursuant to this Chapter. The provisions of this section shall not apply to shopping carts left standing on private property (including the common areas of shopping centers adjacent thereto) of the owner of the shopping cart according to the name of such owner affixed thereto as required by Section 8.72.070 of this Chapter. In the event that a shopping cart is left standing on any public or private property or, in the event the cart violates Section 8.72.070 of this Chapter, the owner thereof shall be responsible and liable for the removal and disposition of the abandoned shopping cart as provided in this Chapter.

The City Manager may exempt a shopping cart owner from the provisions of this section if the cart owner has implemented a plan whereby employees provide cart retrieval, or whereby the cart owner has entered into a contract with a cart retrieval service and has provided the City with proof of such contract, provided the frequency of cart retrieval service meets the City Manager's approval.

Section 8.72.040. Administration and Enforcement. Except as otherwise provided in this Chapter, the provisions of this Chapter shall be administered and enforced by the City Manager or his authorized representative. In the enforcement of this Chapter, the City Manager or his authorized representative may enter onto public or private property to examine a shopping cart, or parts thereof, or to obtain information as to the identify of a shopping cart and to remove, or cause the removal of, a shopping cart, or parts thereof, declared to be a nuisance pursuant to this Chapter.

Section 8.72.050. Shopping Cart Abatement. Upon discovering the existence of a wrecked, dismantled or abandoned shopping cart, or parts thereof, on public or private property within the City, the City Manager, or his authorized representative shall have the authority to cause the abatement and removal thereof in accordance with the procedure described in this Chapter.

Section 8.72.060. Assessments for Shopping Cart Removal - Hearings.

- (a) Upon the abatement and removal of any shopping cart located on public or private property within the City, the City Manager or his authorized representative shall notify the owner thereof (if the same can be ascertained) by mailing a notice of abatement to the last known address of the owner. Such notice shall state the date

the shopping cart was removed from public or private property, the location and procedure for retrieval of the shopping cart, and a statement that, in order to receive a hearing with regard to the removal of the shopping cart, the owner or its agent shall submit a request for such hearing either in person or in writing within ten (10) days of the date appearing on the notice. Any such shopping cart removed and stored pursuant to these provisions shall be released to the owner thereof if claimed within thirty (30) days after such removal and upon the payment of reasonable administrative fees. Such administrative fees shall be waived if, after a hearing has been requested, a determination is made at such hearing that upon a finding of good cause, the administrative fees shall be waived.

- (b) The administrative fees for the removal and storage of the shopping cart shall be established or modified by resolution of the City Council and shall include the actual cost of removal and storage of any shopping cart, or parts thereof, plus the proportional share of administrative costs in connection therewith.
- (c) Any hearing which is requested shall be conducted within ten (10) days of the receipt of the request for such hearing, excluding weekends and holidays, by the City Manager, or his designee, who shall serve as the hearing officer. The failure of either the owner or its agent to request a hearing shall satisfy the hearing requirement. If it is determined at a hearing that reasonable grounds for the abatement and removal of a shopping cart are not established, no fee for removal and storage of such shopping cart shall be imposed. At the close of the hearing, the hearing officer shall determine whether good cause was shown for the abatement or removal of the shopping cart from public or private property. The decision of the hearing office shall be deemed the final administrative determination. If good cause is shown for the abatement and removal of the shopping cart, the owner or its agent shall have fifteen (15) days from the date of the hearing to retrieve its shopping cart upon payment of the administrative fee. If good cause is not shown for the abatement and removal of the shopping cart from public or private property, the administrative fee shall be waived and the owner or its agent shall have fifteen (15) days to retrieve its shopping cart from the storage area.
- (d) Any shopping carts which are not retrieved by their owner within thirty (30) days after the mailing of written notice of abatement when such owner has not requested a hearing in accordance with this section, or within (30) thirty days storage of the cart by the City in all other cases, shall be deemed to be permanently abandoned and may be sold at public auction or otherwise disposed of at the end of thirty (30) days following such notice.
- (e) At such time as shall be convenient to the City, the City shall advertise for the sale of permanently abandoned (as provided in subsection (d) this section) shopping carts. Notice of such sale shall be posted in three conspicuous places located within the City. Ten (10) days after the posting of such notice and the time and

place fixed in the notice for said sale (or at such times and places as the sale shall be reasonably continued) such shopping cart maybe sold along with other shopping carts, and delivered to the highest bidder free and clear of the claims of the owner thereof.

- (f) The proceeds of such sale shall be disbursed to the City.

Section 8.72.070. Identification of Shopping Carts. All shopping carts used in the City shall be properly identified by the owner thereof, including the name of the local store in which such shopping cart is to be used. All persons owning shopping carts within the City for use of their customers to take outside of the buildings shall have firmly affixed thereto the owner's identification.

Section 8.72.080. Removal from Premises Prohibited - Exceptions. No person shall remove from the immediate store or parking premises of any food store, market or other mercantile establishment in the City, any shopping cart, wagon or similar device, bearing a notification affixed thereto in a conspicuous place there on to the effect that such cart, wagon or device is not to be removed from the owner's premises, unless such person is the owner or owner's employee or agent.

Section 8.72.090. Abandonment Prohibited. No person shall abandon or leave any such cart, wagon or device which has been removed from the owner's premises upon any public street, alley, sidewalk, parkway or other public place, or upon any private property (except that of the owner of the cart, wagon or device) not under the control of such person abandoning or leaving such cart, wagon or device.

Section 8.72.100. Owner's Responsibility to Prevent Littering. The action of an owner or owner's agent or employee to permit any such cart, wagon or device to be removed from the owner's premises shall be considered littering.

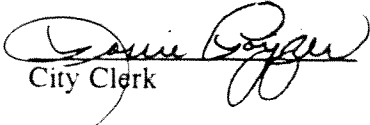
Section 8.72.110. Unlawful Possession. No person shall have in his possession any such cart, wagon or device which has been removed from the owner's premises without authorization or which has been abandoned or left on private property under circumstances as described in Section 8.72.030 of this Chapter unless such person so having possession has notified the Redlands Police Department of the presence and location of such cart, wagon or device.

SECTION 2. The Mayor shall sign this ordinance and the City Clerk shall certify to the adoption of this ordinance and shall cause it, or a summary of it, to be published once in the Redlands Daily Facts, a newspaper of general circulation within the City, and thereafter, this ordinance shall take effect in accordance with law.

ADOPTED, SIGNED AND APPROVED this 16th day of May, 1995.


Mayor of the City of Redlands

ATTEST:


City Clerk

I, Lorrie Poyzer, City Clerk of the City of Redlands, hereby certify that the foregoing ordinance was duly adopted by the City Council at a regular meeting thereof, held on the 16th day of May, 1995, by the following vote:

AYES: Councilmembers Cunningham, Gilbreath, Gil; Mayor Larson

NOES: Councilmember Foster

ABSENT: None


City Clerk