

ARTICLE 24:

SHOPPING CARTS

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SEC. 1400. FINDINGS.

The Board of Supervisors finds as follows:

(a) The City and County of San Francisco has a substantial interest in promoting the public health, safety, welfare and convenience of its citizens and visitors by ensuring that public streets, sidewalks and rights-of-way not be obstructed by unattended empty shopping carts left on either public property or on private property without the owner's consent.

(b) The proliferation of unattended empty shopping carts on City streets and public and private property has contributed to congestion of City sidewalks, impeded the flow of pedestrian and vehicular traffic, interfered with the use of streets, sidewalks and public rights-of-way, presented hazards to persons and property, contributed to litter problems and resulted in visual blight.

(c) The purpose of this ordinance is to promote the public health, safety and welfare and the aesthetic qualities of the City by promoting removal of unattended empty shopping carts on public property or on private property without the owner's consent so as to:

- (1) Provide for pedestrian and vehicular safety and convenience;
- (2) Ensure that there is no unreasonable interference in the flow of pedestrian or vehicular traffic, including ingress into, or egress from, any residence, place of business or public facility, or any legally parked or stopped vehicle; and
- (3) Reduce visual blight and clutter and litter problems associated with empty shopping carts.

(Added by Ord. 32-02, File No. 012234, App. 3/22/2002)

SEC. 1401. DEFINITIONS.

(a) "Director" means the Director of the Department of Public Works, or his or her designee.

(b) "Empty shopping cart" means a shopping cart that does not contain personal property or merchandise purchased from a retail establishment. A shopping cart containing only litter or trash shall be considered an empty shopping cart for purposes of this definition.

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

(d) "Personal property" shall mean property that consists of readily identifiable personal effects in usable condition or that appear to be temporarily stored for later retrieval including, but not limited to, blankets, clothing, radios, TVs, sleeping bags, ground covers, toiletries, eye glasses, jewelry, medications, personal papers, recyclables, shoes, tarpaulins, bags, backpacks, tents or luggage and other items of significant value.

(f) "Property owner" means the owner of real property or his or her designated agent.

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

(Added by Ord. 32-02, File No. 012234, App. 3/22/2002)

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## **SEC. 1402. SCOPE; DECLARATION OF NUISANCE.**

The requirements of this Article shall apply only to unattended empty shopping carts. Unattended empty shopping carts located on either public property or on private property without the owner's consent are hereby declared a nuisance.

■ (Added by Ord. 32-02, File No. 012234, App. 3/22/2002)

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## **SEC. 1403. IMPOUNDMENT.**

(a) The Director may immediately impound an empty shopping cart located on either (1) public property outside the premises or parking area of a retail establishment, or (2) private property where the property owner has requested that the shopping cart be removed. Upon removal pursuant to this section, the Director shall give the owner of the shopping cart or his or her agent notice within 24 hours following the impound. That notice shall inform the owner or his or her agent as to the location where the shopping cart may be claimed. For purposes of this section, the parking area of a retail establishment located in a multistore complex or shopping center shall include the entire parking area used by the complex or center.

(b) Any shopping cart impounded pursuant to paragraph (a) shall be held at a location that is both reasonably convenient to the owner of the shopping cart, and which is open at least six hours of each business day.

(c) The Director shall provide notice of each impounded shopping cart as follows: if the shopping cart contains information identifying a specific entity or person as the owner or contact, the Director shall give notice to that person. Otherwise, the Director shall give notice to the entity or person that the Director has reason to believe is the owner. Where an empty shopping cart contains indicia that it belongs to a particular company or retailer with more than one location in the City, but the cart contains no indication as to which location it belongs to, the Director shall make reasonable efforts to locate and notify the owner or agent. In the case of a retailer with multiple locations in the City, the Director may satisfy this requirement by providing notice to the retailer's headquarters office, if located in San Francisco, or to the retailer's area or regional office. Retailers may submit to the Director the name of one contact person or office to be the designated agent for notice by mail or telephone under this Article. Where an empty shopping cart lacks sufficient markings to enable the Director to determine the owner or owner's agent, the Director may treat the empty shopping cart as abandoned property.

(d) The Director can comply with the notice requirements imposed by this section by placing a telephone call during regular business hours to the owner or owner's representative designated pursuant to paragraph (c) of this section, or on the shopping cart. Where no such person is designated, the Director shall call the owner at a number listed in the San Francisco telephone book. In addition, the Director shall give mailed notice to the address designated by the owner pursuant to paragraph (c) of this section, or in the absence of such a designation, to the address indicated on the shopping cart, or in the absence of such an address, to the address listed for the owner in the San Francisco telephone book.

(e) Any impounded shopping cart that is reclaimed by the owner or his or her agent within two business days of the notice provided pursuant to paragraph (a) shall be released to the owner or agent at no cost, including waiver of any impound or storage fees.

(f) Any impounded shopping cart that is not reclaimed by the owner or his or her agent within two business days following the date of notice pursuant to paragraph (a) shall be subject to payment of the actual costs incurred by the City in impounding and storing the shopping cart. The City shall have a lien on the shopping cart, and shall not release the shopping cart until such costs are paid in full by the retailer or the person(s) collecting the carts at the time of collection from the Department of Public Works.

(g) Any impounded shopping cart that is not reclaimed by the owner or his or her agent within 30 days following the receipt of notice pursuant to paragraph (a) may be sold or otherwise disposed of by the Director.

■ (Added by Ord. 32-02, File No. 012234, App. 3/22/2002)

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## **SEC. 1404. EMERGENCY IMPOUNDMENT.**

Notwithstanding any other provision of this Article, the Director may immediately impound any shopping cart that is located in such manner as to create a public hazard or an impediment to emergency services. In such cases, the Director shall notify the owner in accordance with Section 1403.

■ (Added by Ord. 32-02, File No. 012234, App. 3/22/2002)

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## **SEC. 1405. HEARING.**

The owner, or his or her agent, of a shopping cart that has been impounded pursuant to this Article may request a hearing before the Director to contest the validity of the impoundment. The hearing request shall be made in writing to the Director within five business days from the date the actual notice given to the owner pursuant to this Article. The hearing shall be conducted within five business days of the date the Director receives the request, and shall be conducted in accordance with procedures established by the Director. In the hearing, the City shall bear the burden of demonstrating the factual basis for the removal and impound. If the Director determines that the shopping cart was wrongfully impounded, the shopping cart shall be returned to the owner or his or her agent, and any costs or charges otherwise due shall be waived.

(Added by Ord. 32-02, File No. 012234, App. 3/22/2002)

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## **SEC. 1406. CARTS BEARING IDENTIFICATION SIGNS.**

Where the Director seeks to impound a shopping cart that bears the identification required by California Business and Professions Code Section 22435.1, the requirements for notice, impoundment and recovery of the shopping cart shall be governed by Business and Professions Code Sections 22435 through 22435.7.

■ (Added by Ord. 32-02, File No. 012234, App. 3/22/2002)

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## **SEC. 1407. NATURE OF DIRECTOR'S DUTIES.**

It is the intent of the Board of Supervisors that the duties imposed upon the Director by this Article be directory in nature, and that as a result, the Director's failure to comply with a particular procedural step shall not invalidate any subsequent action by the Director to which the procedural requirement relates.

■ (Added by Ord. 32-02, File No. 012234, App. 3/22/2002)

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## **SEC. 1408. LIMITATION OF LIABILITY.**

By adopting this Article, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

■ (Added by Ord. 32-02, File No. 012234, App. 3/22/2002)

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## **SEC. 1409. SEVERABILITY.**

If any subsection, sentence, clause, phrase or word of this Article is for any reason declared invalid or unconstitutional or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have adopted this Article notwithstanding the unconstitutionality, invalidity, or ineffectiveness of any one or more of its sections, subsections, clauses, phrases or words.

■ (Added by Ord. 32-02, File No. 012234, App. 3/22/2002)

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## **SEC. 1410. SIGNAGE REQUIRED ON CARTS.**

No business shall supply carts for use by its customers unless the cart has permanently affixed on it a sign that contains the following information:

- (a) Identification of the owner of the cart or the business providing the cart for use, or both;
- (b) Identification of the procedures to be utilized for authorized removal of the cart from the premises or parking area;
- (c) Notification that removal of the cart from the premises or parking area of the business establishment and/or the unauthorized possession of the cart is a violation of state law; and
- (d) A valid telephone number or address for returning the cart to the owner or business providing the cart.

■ (Added by Ord. 68-05, File No. 050071, App. 4/15/2005)

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## **SEC. 1411. MANDATORY SIGNAGE ON PREMISES.**

Every business that owns or provides carts for the use of its customers within the City and County of San Francisco shall post conspicuous signs at or near each entrance to its parking lot and the public entrance doors to its store notifying its customers that removal of carts from the premises is prohibited without written authorization.

■ (Added by Ord. 68-05, File No. 050071, App. 4/15/2005)

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## **SEC. 1412. EXEMPTIONS.**

(a) A business that has a physical security device, such as trip wires or barriers, that prevents customers from removing carts from the premises shall be exempt from both the cart and the premises signage requirements.

(b) A business that does not have a physical security device shall be exempt from the cart signage requirements if: (1) the business retrieves carts at least two days per week at San Francisco Department of Public Works shopping cart retrieval yard; and (2) has permanently affixed to the cart information sufficient to identify the owner.

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## **SEC. 1413. SECURING OF CARTS.**

Every business that owns or provides carts for the use of its customers shall ensure that all carts on its premises are secured such that a member of the public may not remove any carts from the premises during the hours that the business is closed.

■ (Added by Ord. 68-05, File No. 050071, App. 4/15/2005)

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## **SEC. 1414. PENALTY.**

(a) Any person violating this Article or any rules or regulations issued pursuant to this Article of which the person has been given notice, shall be guilty of an infraction and subject to a fine of not in excess of \$100.

(b) The violation of any provision of this Article that would otherwise be an infraction shall be a misdemeanor if the person who has violated such provision has previously been convicted of two or more violations within the 12-month period immediately preceding the current offense and the prior convictions are admitted by the person charged with the violations or are alleged in the accusatory pleading. For this purpose, a bail forfeiture shall be deemed to be a conviction of the offense charged. A person convicted of a misdemeanor pursuant to this subsection shall be subject to imprisonment in the County Jail for a period not exceeding 30 days or a fine not exceeding \$500, or both.

(Added by Ord. 68-05, File No. 050071, App. 4/15/2005)

# Detroit MI

## ARTICLE XII. - SHOPPING CARTS

### Sec. 31-12-1. - Definitions.

For the purposes of this article, the following words and phrases shall have the meaning respectively ascribed to them by this section:

*Cart* means any rolling or non-rolling basket or container commonly used in supermarkets or self-service stores.

*Property* means and includes any cart.

*Store* means any individual store, chain store, or supermarket.

(Code 1964, § 39-1-66; Code 1984, § 38-14-1)

**Cross reference**— Definitions and rules of construction generally, § 1-1-2.

### Sec. 31-12-2. - Unauthorized use or removal from premises.

It shall be unlawful for any person to take or use, without authority, any cart from the premises of any store, with intent to steal the same.

(Code 1964, § 39-1-67; Code 1984, § 38-14-2)

### Sec. 31-12-3. - Abandonment.

It shall be unlawful for any person to abandon or suffer to be abandoned any cart from any store or supermarket on any street, highway, alley, boulevard or public place within the City.

(Code 1964, § 39-1-68; Code 1984, § 38-14-3)

### Sec. 31-12-4. - Tag identifying owner required.

It shall be unlawful for any person to provide carts for customer use on the store premises, unless such carts bear a welded metallic tag denoting the name of the owner.

(Code 1964, § 39-1-69; Code 1984, § 38-14-4)

### Sec. 31-12-5. - Impoundment of abandoned carts; redemption of same by owner; establishment, approval, publication, and payment of fee.

- (a) Whenever any cart is found abandoned on any street, highway, boulevard, alley or other public place in the City, the property shall be impounded by the Police Department. Based upon the required metallic tag, the Police Department shall notify the owner, who may reclaim the same by the payment of the fee established under Subsections (b) and (c) of this section. Where the property is not reclaimed in a reasonable time, not to exceed 30 days, it shall be disposed of as unclaimed property in the manner provided for by law.
- (b) In accordance with Section 9-507 of the Charter and based upon the cost of impoundment and storage of an abandoned cart, the Chief of Police is authorized to establish and collect this fee, which is subject to approval by the City Council through adoption of a resolution.
- (c) After adoption of a resolution by the City Council and approval of the resolution by the Mayor, the fees shall be:
  - (1) Published in a daily newspaper of general circulation and in the Journal of the City Council;
  - (2) Made available at the Police Department and at the Office of the City Clerk; and
  - (3) Reviewed by the Chief of Police at least once every two years.

(Code 1964, § 39-1-70; Code 1984, § 38-14-5)

### Secs. 31-12-6—31-12-30. - Reserved.

# Boston, MA

## **16-12.8A Implementation and Maintenance of a System to Retain all Shopping Carts within a Business Establishment.**

### **16-12.8A.1 Purpose.**

These sections require business establishments utilizing shopping carts or similar devices and having more than twenty (20) shopping carts on-site to install and maintain a system to retain the shopping carts within the property boundaries of the business establishment. The Commissioner of the Inspectional Services Department, in accordance with the powers and duties delineated in CBC 9-9.1, is authorized to implement and enforce these sections, and the Commissioner of the Public Works Department, in accordance with the powers and duties delineated in CBC 11-6.1, is authorized to implement and enforce these sections.

(Ord. 2003 c. 24)

### **16-12.8A.2 Definitions.**

Unless specifically indicated otherwise, these definitions shall apply and control in these sections.

a. Business establishment includes but is not limited to a grocery store, supermarket, drugstore, pharmacy, dry goods store, department store, discount store, variety store, or other retail establishment which supplies twenty (20) or more Shopping Carts for the use of its customers.

b. Commissioner of Inspectional Services means the Commissioner of the Inspectional Services Department or his/her designee or agent.

c. Commissioner of Public Works means the Commissioner of the Public Works Department or his/her designee or agent.

d. ISD means the Inspectional Services Department or its successor.

e. Owner means the owner of a business establishment if it is owner-operated or the manager of a business establishment if it is not owner-operated.

f. Parking lot means any parcel of land owned, leased, or otherwise under the direction and control of the owner and used for parking motor vehicles related to the daily operations of the business establishment and shall include the areas of ingress and egress.

g. Permanent identity tag means a tag, label, plate, or other form of identification that is affixed to a shopping cart and is designed to be removed/removable only by the business establishment. The permanent identity tag shall state the name of the business establishment, the address of the business establishment, and the telephone number of the business establishment. The name, address, and telephone number on the permanent identity tag shall be of the neighborhood business establishment rather than a state, regional, or national headquarters, except that business establishments using a total of more than three hundred fifty (350) shopping carts at more than two (2) locations within the City of Boston may place a central telephone number on the permanent identity tag as long as that telephone number is within the 617 area code.

h. PWD means the Public Works Department or its successor.

i. Shopping cart or cart includes but is not limited to that type of mobile vehicle used for transportation and portage by human propulsion of goods or merchandise in and about markets, stores, shops, shopping centers, malls, and other business establishments.

(Ord. 2003 c. 24)

### **16-12.8A.3 On-Site Retention.**

a. Each and every shopping cart utilized by a business establishment shall have affixed thereto a permanent identity tag. A first violation of this section shall be subject to a warning, and each subsequent violation of this section shall be subject to a fine of twenty dollars and no cents (\$20.00). Each cart not in compliance with this subsection shall be considered a separate violation.

b. Each and every business establishments shall implement and maintain a system to retain all shopping carts within the property boundaries of the business establishment including its parking lot. The business establishment shall provide signage in a conspicuous location on the premises which clearly notifies shopping cart users of the specific retention system in place and how the retention system operates.

c. Each method included in this subsection shall be considered to be an example of an on-site retention method complying with these sections. If the business establishment has a method for retention that is not delineated as an example herein, then an owner may submit a plan to the Commissioner of Inspectional Services that satisfies the intent of these sections to retain shopping carts on the premises of the business establishment and/or its parking lot or to ensure the immediate retrieval of shopping carts outside of the business establishment and/or its parking lot; no plan submitted by an owner to the Commissioner of Inspectional Services shall be valid until approved in writing by the Commissioner of Inspectional Services. Examples of methods and/or plans are as follows:

1. A physical barrier, such as bollards, restricting shopping carts to a portion of the exterior of the business establishment, but physical barriers shall not interfere with fire lanes, handicap access, or similar building features;

2. A protruding vertical arm, or other similar or similarly-functioning device, attached to the cart which prevents the cart from being removed from the interior of the business establishment;
  3. A system, which may be mechanical in nature, requiring the cart user to remit collateral, including but not limited to a returnable monetary deposit to use a shopping cart; the collateral shall be reasonable in scope and shall not unreasonably deter the use of the cart but instead encourages the user's return of the cart; the collateral shall be returned to the user upon the user's return of the cart;
  4. A wheel-locking mechanism installed on the cart that is commonly used in conjunction with an electronic barrier along the perimeter of a business establishment and which mechanism is activated upon the cart's approach or passing through the electronic barrier;
  5. An attendant or attendants whose sole responsibility is to manage and/or return the business establishment's shopping carts from the exterior premises of the business establishment and areas immediately adjacent thereto to the interior premises of the business establishment or another exterior area of the business establishment dedicated to the containment of shopping carts.
  6. Other similar methods or plans submitted by an owner for the approval of the Commissioner of Inspectional Services which would satisfy the intent of these sections to retain shopping carts on the premises of the business establishment and/or its parking lot or to ensure the immediate retrieval of shopping carts outside of the business establishment and/or its parking lot.
- d. No business establishment shall allow shopping carts to congregate or "stack up" in such a manner as to impede ingress to or egress from the business establishment or any public or private way adjacent to the business establishment.
  - e. Prior to the close of each business day, every business establishment shall collect and secure its shopping carts on its premises, including its parking lot. This action shall be commenced no sooner than fifteen (15) minutes prior to the close of each business day.

(Ord. 2003 c. 24)

#### **16-12.8A.4 Removal of Shopping Carts.**

- a. Any unattended shopping cart found outside the perimeter of a business establishment or its parking lot may be removed and impounded by the Department of Public Works, the Inspectional Services Department, or an agent thereof. The enforcement personnel removing the cart shall make a written report that identifies himself/herself as well as the date, time, and location of the cart at the time of the removal; this report may take the form of a tag attached to the cart; a copy of the report shall be immediately forwarded to the Commissioner of Inspectional Services.
- b. Within a reasonable time but not more than three (3) business days after removal, the Commissioner of Inspectional Services shall notify the owner of the removed cart using the information provided on the permanent identity tag attached pursuant to CBC 16-12.8A.3(a). If the cart does not have a permanent identity tag then the Commissioner of Inspectional Services may attempt to notify the owner of the removed cart if the identity of the owner is known or reasonably discernible. Any notification of removed and impounded shopping carts shall be made in writing and shall include the date of removal, the location of removal, and the process for the owner's retrieval of the cart.
- c. Any cart that does not have the permanent identity tag attached pursuant to CBC 16-12.8A.3(a) and which is removed pursuant to these sections is deemed to be abandoned property and the Commissioner of Inspectional Services may sell any such cart at public auction and the proceeds shall inure to the City of Boston, or destroy or otherwise dispose of any such cart.
- d. No person shall remove a shopping cart from a business establishment without the express written authorization of the business establishment. Any person that removes a shopping cart from a business establishment without the express written authorization of the business establishment, although subject to the criminal penalties in M.G.L. c. 266, s. 30A, shall also be subject to a civil fine in the amount of fifty dollars and no cents (\$50.00). The Boston Police Department shall have non-exclusive authority to enforce this subsection.

(Ord. 2003 c. 24)

#### **16-12.8A.5 Retrieval of Shopping Carts.**

- a. An owner or an owner's agent may retrieve a shopping cart removed pursuant to CBC 16-12.8A.4 by appearing during normal business hours at the location in the notice required under CBC 16-12.8A.4 and by paying (i) a fee for the removal of the carts in the amount of twenty dollars and no cents (\$20.00) for each of the first three (3) carts and forty dollars and no cents (\$40.00) for each additional cart thereafter and (ii) a fee for the storage of the cart(s) in the amount of five dollars and no cents (\$5.00) per cart per day.
- b. The obligation of the Commissioner of Inspectional Services to release a shopping cart continues only as follows:
  1. If no hearing in accordance with CBC 16-12.8A.7 has been timely and properly requested and the cart has not been retrieved then the obligation of the Commissioner of Inspectional Services extends only thirty (30) calendar days after notice of removal has been mailed;
  2. If a hearing in accordance with CBC 16-12.8A.7 has been timely and properly requested then the obligation of the Commissioner of Inspectional Services extends only fifteen (15) calendar days after a notice of decision of the

Commissioner of Inspectional Services has been made in accordance with CBC 16-12.8A.7.

c. Any shopping cart that has not been retrieved by an owner within the time periods contained in this section shall be deemed to be permanently abandoned, and the Commissioner of Inspectional Services may, in said Commissioner's sole discretion, (i) continue to release such carts to the owner in accordance with CBC 16-12.8A.5(a), (ii) sell such carts at public auction and the proceeds shall inure to the City of Boston, or (iii) destroy or otherwise dispose of such carts.

d. An owner that does not retrieve a cart and that has not petitioned for a hearing may be subject to additional fines and/or fees which may include a fee to dispose of the cart of forty dollars and no cents (\$40.00).

(Ord. 2003 c. 24)

#### **16-12.8A.6 Fines.**

Unless otherwise specified in these sections, a violation of CBC 16-12.8A shall be subject to the issuance of a warning for a first offense, a fine of twenty-five dollars and no cents (\$25.00) for a second offense, and a fine of fifty dollars and no cents (\$50.00) for any third or subsequent offense. Any fines and/or fees that remain unpaid by an owner for more than twelve (12) months may become liens against the real estate of the business establishment. The provisions of M.G.L. c. 40, s. 21D may be used to enforce these sections.

(Ord. 2003 c. 24)

#### **16-12.8A.7 Appeal.**

a. An owner who has incurred a shopping cart-related warning and/or fee under these sections may obtain a hearing regarding the propriety of the warning and/or fee by making a written petition to the Commissioner of Inspectional Services for a hearing within fifteen (15) calendar days of receipt of the notice of removal pursuant to CBC 16-12.8A.4(b). The Commissioner of Inspectional Services shall provide written notice to the owner of the date, time, and location of the hearing, and the hearing shall be held within thirty (30) calendar days from the date of the hearing request.

b. The Commissioner of Inspectional Services shall act as the Hearing Officer and the decision resulting therefrom shall be final and subject only to judicial review under M.G.L. c. 30A, s. 14.

c. The Commissioner of Inspectional Services shall notify the owner of the decision in writing within thirty (30) calendar days of the hearing.

d. Proceedings for review of the decision of the Commissioner of Inspectional Services may be instituted in any court of competent jurisdiction within the Commonwealth of Massachusetts within thirty (30) calendar days of the date of the notice of decision of said Commissioner. The commencement of an action shall not operate as a stay of enforcement of said Commissioner's decision, but the Commissioner of Inspectional Services, at his/her discretion, may stay enforcement; the reviewing court may order a stay upon such terms as it considers proper as prescribed by M.G.L. c. 30A, s. 14.

(Ord. 2003 c. 24)

#### **16-12.8A.8 Permits.**

The Commissioner of Inspectional Services and the Commissioner of Public Works may withhold the issuance of any permit if the applicant therefor is an owner, or is acting on behalf of an owner, of a business establishment that has an uncorrected violation and/or amounts due for an unpaid fine or an unpaid fee.

(Ord. 2003 c. 24)

#### **16-12.8A.9 Stolen Property.**

In their efforts to enforce the provisions of these sections, nothing in these sections shall be construed to prohibit, encumber, or impede PWD or ISD from reporting a discovery of stolen property to the Boston Police Department.

(Ord. 2003 c. 24)

Tampa, FL  
- CODE OF ORDINANCES  
Chapter 6 - BUSINESS REGULATION  
ARTICLE III. - SPECIFIC REGULATIONS AND REQUIREMENTS  
DIVISION 10. SHOPPING CARTS

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***DIVISION 10. SHOPPING CARTS***

**Sec. 6-244. Definitions.**

*Shopping cart.* As defined in F.S. § 506.502, means a basket mounted on wheels or a similar device which is generally used in a retail establishment by a customer for the purpose of transportation of goods of any kind.

(Ord. No. 2002-254, § 1, 11-21-02)

**Sec. 6-245. Retrieval plan.**

Each retail establishment furnishing shopping carts to patrons to transport items purchased from the establishment, is hereby required to develop and implement a specific plan to retrieve its shopping carts that are found throughout the City of Tampa. Two (2) or more retail establishments may collaborate and submit to the city a single plan.

Plans must be submitted to the City of Tampa, Division of Neighborhood Improvement, within sixty (60) days of the effective date of this division (November 21, 2002), and must include the following:

- (1) A method for retrieving all shopping carts within a one (1) mile radius of the store at least one (1) day per week;
- (2) A method for retrieving any and all shopping carts belonging to the retail establishment within the city limits; and
- (3) Name, including the name of a contact person, address and telephone number of the retail establishment; and
- (4) Name, including the name of a contact person, address and telephone number of the company implementing the retrieval plan, if other than retail establishment.

(Ord. No. 2002-254, § 1, 11-21-02)

**Sec. 6-246. Plan submission and review.**

The city shall determine whether a retail establishment's plan for retrieving its shopping carts submitted pursuant to this division is reasonably calculated to result in the prompt removal of the retail establishment's shopping carts found within the city limits.

Based upon the above-referenced criteria, the city shall approve, reject or modify a plan within sixty (60) days of when the plan is submitted.

If the plan is approved or approved with modifications, the plan shall be implemented no later than thirty (30) days after approval.

If the plan is rejected, the retail establishment shall modify the plan to address the deficiencies and resubmit it to the city no later than thirty (30) days after the date of its rejection.

(Ord. No. 2002-254, § 1, 11-21-02)

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#### **Sec. 6-247. Identification of shopping carts.**

Within sixty (60) days of the effective date of this division (November 21, 2002), each retail establishment that utilizes shopping carts in the operation of its business shall affix on each shopping cart, and maintain thereon, information identifying the name, address and telephone number to call for shopping cart retrieval.

(Ord. No. 2002-254, § 1, 11-21-02)

#### **Sec. 6-248. Posting of sign.**

Within sixty (60) days of the effective date of this division (November 21, 2002), each retail sales establishment that utilizes shopping carts in the operation of its business shall post a minimum of two (2) signs not less than one and one-half (1½) feet by three (3) feet in conspicuous locations on the inside of the retail sales establishment building and a minimum of two (2) signs not less than one and one-half (1½) feet by three (3) feet in conspicuous locations on the outside of the retail sales establishment building. Such signs shall state the following:

"NOTICE — It is a violation of Section 506.513, Florida Statutes to remove a shopping cart, without written authorization, from its owner or from the premises or parking area of any retail establishment."

(Ord. No. 2002-254, § 1, 11-21-02)

#### **Sec. 6-249. Penalties and remedies.**

A person who violates any provision of this division shall be subject to the following penalties and/or remedies:

- (1) Violations of this division may be punished as provided in City of Tampa Code Section 1-6.
- (2) Each day that any violation continues after receipt of a written notice of such violation shall constitute a separate violation and a separate offense for purposes of the penalties and remedies specified herein.
- (3) In addition to the penalties and remedies above, the city may institute any appropriate action or proceedings to prevent, restrain, correct or abate a violation of this chapter, as provided by law.

(Ord. No. 2002-254, § 1, 11-21-02)

#### **Secs. 6-250—6-254. Reserved.**