

Stockton, California Municipal Code, Charter, and Civil Service Rules

Title 8 HEALTH AND SAFETY

Chapter 8.40 SHOPPING CARTS

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8.40.010 Findings and purpose.

The City Council hereby finds that abandoned shopping carts are unsightly, interfere with pedestrian and vehicular traffic, accumulate over time on public and private property causing blight and similar conditions resulting in reduction of property values, constitute a public nuisance, and are detrimental to the public health, safety and welfare. The purpose of this chapter is to promote the public health, safety, and welfare by facilitating the removal of wrecked, dismantled, and abandoned shopping carts and parts thereof from public and private property, thereby alleviating the safety hazards, unsafe conditions, and the impairment of property values resulting from the abandonment of such carts. This chapter implements the provisions of Chapter 19 of the California [Business and Professions Code](#) (Shopping and Laundry Carts; commencing with Section 22435). (Prior code § 5-910)

8.40.020 Definitions.

For purposes of this chapter, the following words and terms shall have the meanings respectively ascribed thereto:

“Abandoned shopping cart” means any shopping cart which has been removed from the premises of the owner of the shopping cart without the owner’s written consent, irrespective of whether the shopping cart is located on private or public property; provided that shopping carts which are removed from such premises for purposes of repair or maintenance and which are in the possession or custody of the party to whom they have been released, shall not be deemed abandoned; provided, further, that a shopping cart located on private property owned or occupied by the person who has been granted written permission by the owner of the shopping cart to have possession thereof for a period not to exceed 72 consecutive hours, and which shopping cart is not visible at street or ground level from the public property adjacent to such private property, shall not be deemed abandoned.

“Director” means the Chief of Police, or designees, including, without limitation, all City employees and any independent contractor authorized or engaged by the City to retrieve shopping carts.

“Laundry cart” means a basket which is mounted on wheels and used in a coin-operated laundry or dry-cleaning retail establishment by a customer or an attendant for the purpose of transporting fabrics and the supplies necessary to process them.

“Owner” means the person, firm, partnership, corporation, association, or other entity who or which owns, or otherwise exercises possession and control over, shopping carts for the use of the owner’s customers in connection with the management and operation of the owner’s business enterprise, including any officer, employee, or agent of said person, firm, partnership, corporation, association, or entity.

“Premises” means the entire area owned and utilized by the business establishment that provides shopping carts for use by customers, including any parking lot or other off-street area provided by or for an owner for use by a customer for parking an automobile or other vehicle.

“Shopping cart” means a basket which 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, including a laundry cart. (Prior code § 012-07 C.S. § 2; prior code § 5-911)

8.40.030 Enforcement.

A. This chapter shall be administered and enforced by the Director. The Director is hereby authorized and directed to promulgate and implement rules, regulations and procedures necessary or appropriate for enforcement of this chapter.

B. The Director is hereby authorized to enter into, on or upon any, public property to examine a shopping cart or parts thereof, or to obtain information as to the identity of the owner of any shopping cart, or to retrieve shopping carts in accordance with the provisions of this chapter. As used herein, “public property” includes the outdoor common area of any building, business premises, apartment building or complex, or other premises or portion thereof which is adjacent to public property, open to the public, and which contains a shopping cart or shopping carts visible at street or ground level from the adjacent public property. Nothing contained in this section shall be deemed a limitation upon the Director to enter private property pursuant to permission from the owner or occupant thereof or pursuant to a duly issued inspection warrant or other court order. (Prior code § 5-912)

8.40.040 Required signs on shopping carts.

Every owner shall affix to each shopping cart owned or provided by the owner a sign that includes the following information:

- A. Identification of the owner of the shopping cart or the business establishment to which it pertains, or both.
- B. Notification that the unauthorized removal of the shopping cart from the premises of the business establishment, or the unauthorized possession of the shopping cart, is a violation of law.
- C. Notification of the procedure for authorized removal of the shopping cart from the premises.
- D. A telephone number or address for returning the shopping cart to its owner or to the business establishment identified thereon. Although not required, the City urges owners to place current telephone numbers on each sign for effective implementation of this chapter. (Prior code § 5-913)

8.40.050 Penalty for failure to affix required signs.

Any owner who maintains or permits the use of shopping carts in violation of the provisions of Section 8.40.040 shall be guilty of an infraction. (Prior code § 5-914)

8.40.060 Prohibiting removal or possession of shopping carts.

Any person in possession of a shopping cart outside the premises of a business establishment without the express prior written approval of its owner, unless the person is in the process of immediately returning the shopping cart to the owner, shall be guilty of a misdemeanor. Written permission to remove a shopping cart shall be valid for a period not to exceed 72 consecutive hours. (Prior code § 5-915)

8.40.070 Abandonment prohibited.

Any person who, having a shopping cart in his or her possession or custody, leaves or permits to be left any shopping cart upon any sidewalk, street, or other public place, or upon any private property, such that it becomes an abandoned shopping cart, shall be guilty of a misdemeanor. (Prior code § 5-916)

8.40.080 Mandatory plan.

A. Every owner shall prepare, implement, and submit by March 1, 2002, a specific written plan to prevent their respective customers from removing shopping carts from each owner's premises and to retrieve shopping carts that have been removed therefrom. Said plan may include the following elements and shall be subject to the hereinafter specified approval:

1. Notice to Customers. Written notice may be provided to customers that removal of shopping carts from the premises is prohibited and a violation of law. The notice may be provided in the form of flyers, warnings on shopping bags, or any other form of written notification that will provide effective notice to customers of the prohibition.
2. Signs. Signs may be placed in appropriate places near customer exits and near parking area exits to inform customers that shopping cart removal is prohibited and constitutes a violation of law.
3. Preventive Measures. Specific physical measures may be implemented to prevent the removal of shopping carts from the owner's premises. These measures may include, but are not limited to, devices on shopping carts that automatically disable them if they are removed from the premises, employment of personnel to advise and deter customers from removing shopping carts, installation of obstacles to prevent the removal of shopping carts, collection of security deposits for use of shopping carts, provision for rental or sale of shopping carts to customers and similar or like measures.
4. Retrieval Measures. Specific measures may be implemented to retrieve shopping carts that are removed from the owner's premises. Such measures may include, but are not limited to, employment of personnel or contractors to retrieve shopping carts.

B. Every plan submitted shall be subject to the Director's reasonable approval. In the event there becomes a problem with the owner's plan, the Director shall notify the owner to submit a revised plan to the Director within 30 days. The Director may also require an evaluation report detailing the measures used during the prior year to prevent removal of shopping carts from the owner's premises and measures used to retrieve the shopping carts. The report may also include an inventory of shopping carts owned or used by the owner, the number of shopping carts which were retrieved after removal from the owner's premises during the previous 12 months, and the number of shopping carts which were replaced due to loss, theft or abandonment during the previous 12 months.

C. Whenever an owner makes revisions to a plan, the revised plan shall be submitted to the Director for approval. (Prior code § 5-917)

8.40.090 Penalty for failure to prepare and implement written plan.

A. Any owner who fails to submit to the Director for approval the plan required under Section 8.40.080 within 60 days of the effective date of the ordinance enacting this chapter, or within 60 days of the commencement of the owner's business, whichever is later, or who fails to implement the measures established in an approved plan, shall be guilty of an infraction.

B. In addition to the penalties hereinabove provided, and as an administrative remedy upon a finding of violation, the Director is hereby authorized to require installation of disabling devices on all shopping carts which prevent their removal from an owner's premises with respect to any owner who violates the provisions of subsection A of this section. (Prior code § 5-918)

8.40.100 Impoundment—Three-day notice.

The Director may retrieve and impound any abandoned shopping cart, or any shopping cart observed in a location outside the owner's premises after the expiration of three (3) days from having given actual notice to the owner of the shopping cart that said cart has been so observed and the owner has not retrieved the shopping cart within three (3) days from the date of such notice. (Prior code § 5-919)

8.40.110 Immediate impoundment.

A. Notwithstanding the provisions of Section 8.40.100, and as an alternative thereto, the Director may retrieve and impound any abandoned shopping cart without providing the three (3) day notice specified in Section 8.40.100, provided the Director shall give actual notice to the owner of the impounded shopping cart within 24 hours following the impound, which notice shall inform the owner of the location where the shopping cart may be claimed. Any shopping cart reclaimed by the owner within three (3) business days following the date of such notice shall be released and surrendered to the owner at no charge, including waiver of any impound and storage fees or fines which otherwise would be applicable. The abandonment of any such shopping cart so retrieved within the three (3) day period shall not be deemed an occurrence for purposes of prosecution or imposition of administrative costs and fines under this chapter.

B. The owner of any shopping cart not reclaimed within three (3) business days following the date of actual notice as provided hereinabove shall be subject to prosecution or the imposition of any administrative costs, fees, fines, interest and other penalties applicable under this part commencing on the fourth business day following the date of notice.

C. Any shopping cart not reclaimed by the owner within 30 days of the date of receipt of actual notice as provided hereinabove may be sold or disposed of pursuant to Section 8.40.130. (Prior code § 5-920)

8.40.120 Retrieval by the City.

A. Pursuant to the provisions of subdivision (f) of [Business and Professions Code](#), Section 22435.7, any owner who fails to retrieve the owner's shopping carts within three (3) days from the date that notice pursuant to Section 8.40.100 has been given, shall be guilty of a violation of said subdivision (f) and of this section and shall be punishable by an administrative fine of \$50.00 for each occurrence in excess of three (3) during the six (6) month periods ending on June 30th and December 31st of each calendar year.

B. Pursuant to subdivision (i) of [Business and Professions Code](#), Section 22435.7, any owner who fails to reclaim the owner's shopping carts which have been impounded by the City pursuant to Section 8.40.110, within three (3) business days from the date of actual notice of impoundment provided pursuant to Section 8.40.110, shall be guilty of a violation of said subdivision (i) of [Business and Professions Code](#) Section 22435.7 and of this section, and shall be punishable by an administrative fine of \$50.00 for each occurrence in excess of three (3) during the six (6) month periods ending on June 30th and December 31st of each calendar year.

C. For purposes of this section, an occurrence includes the retrieval of all shopping carts of an owner in a one (1) day period.

D. In addition to the fines imposed pursuant to subsection A or B of this section, the owner shall be required to pay the City's actual costs for retrieving and storing the owner's shopping carts except when reclaimed by the owner within three (3) business days pursuant to Section 8.40.110(A). (Prior code § 5-921)

8.40.130 Disposal of abandoned shopping carts.

Pursuant to subdivision (g) of [Business and Professions Code](#), Section 22435.7, the Director may sell or otherwise dispose of any shopping cart which has been impounded by the Director and which has not been reclaimed by its owner within 30 days of receipt of a notice of a violation of this chapter. (Prior code § 5-922)

8.40.140 Emergency services.

Pursuant to subdivision (c) of [Business and Professions Code](#), Section 22435.7, the Director or any City officer, employee, or agent may immediately retrieve any shopping cart from public or private property if its location impedes emergency services. (Prior code § 5-923)

8.40.150 Cumulative effect.

The provisions of this chapter are cumulative and in addition to any and all other procedures or remedies provided in ordinances of the City or by State law for the abatement of, or prosecutions for, nuisances, and proceedings for abatement pursuant to this chapter shall not prejudice nor affect any other action, whether civil, criminal, equitable or administrative, for the abatement or other remedy of such conditions. Without limitation upon the foregoing, violations of the provisions of this chapter shall be, and are, enforceable under the provisions of Chapter 1.20, Administrative Enforcement and Remedies, of this code. Nothing contained herein shall be deemed to invalidate, supersede, or render ineffective any other provision of this code or any ordinance of this City. Neither the inclusion, nor the failure to include, under the terms of this chapter, any act or condition otherwise in violation of any provision of this code or other ordinance of this City, unlawful or constituting a nuisance, shall be deemed to render such act or condition lawful. (Prior code § 5-924)

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