

## **Resolution Regarding Shopping Cart Nuisance:**

Whereas our own City Councilman Greig Smith has spoken out against the following epidemic in our community as have many of our sister city councils and neighboring states as well as communities across the entire country—namely, the Council of the City of Burbank, the Escondido City Council, the Pasadena City Council, the Council of the City of Coatesville, Pennsylvania, the Town Board of the Town of Greenburgh, New York, the Council of the Township of Montclair, New Jersey, the City Council of Durham, North Carolina, and the Mayor and Council of the Borough of Ridgefield, New Jersey—have enacted ordinances to combat the blight of abandoned shopping carts on America’s neighborhoods, the Granada Hills South Neighborhood Council makes the following declarations and resolutions and asks that the city and county of Los Angeles enact the following ordinance(s) in accordance herewith:

The accumulation of wrecked, dismantled or abandoned shopping carts, or parts thereof, on public property creates a condition tending to reduce property values, to promote blight and deterioration, to constitute an unattractive nuisance creating a hazard to the health and safety of minors, to be aesthetically detrimental to the community, to increase overall product costs to consumers,<sup>1</sup> and to be injurious to the health, safety and general welfare.

Responsibility for minimizing or eliminating this impact rests with individuals who use shopping carts and the businesses which provide shopping carts for their patrons.

Therefore, we strongly request that effective containment or control of the shopping carts shall be mandated by the city of Los Angeles, and the presence of wrecked, dismantled or abandoned shopping carts, or parts thereof, on public property, be declared to constitute a public nuisance which must be abated.

Moreover, the Granada Hills South Neighborhood Council resolutely requests that the incidences of unlawful taking, the misuse and abandonment of these devices be reduced, discouraged, and prevented through reasonable safeguards and the establishment of penalties for violations.

Thus, we, the Granada Hills South Neighborhood Council propose:

- 1) **Definitions and word usage:** The Granada Hills South Neighborhood Council recommends that the following meanings indicated be adopted officially for the

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<sup>1</sup> As reported by KartSaver, Inc. in Sacramento, California, the average cost of a shopping cart is \$154.00. The total annual loss of shopping carts by businesses is 40%. Thus, the annual loss, retrieval, and replacement of shopping carts alone is \$65 million. These costs are then passed on to the consumers, according to Joe Slomka of the Daily Gazette in Schenectady, New York, at a rate of \$7.00 per customer.

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explication of this resolution. Furthermore, the meanings of all other terms and words not specifically defined shall be their generally accepted definition:

- a. **ABANDON** -- The leaving, discarding, dumping or placing of private property, which shall include shopping carts, in a public place or on private property other than the place of the person who makes the shopping cart available to the public.
  - b. **ESTABLISHMENT** -- A person owning, making available or having control of a place where shopping carts are utilized; the place of a person owning, making available or where shopping carts are utilized.
  - c. **PERSON** -- An individual, corporation, partnership, association, joint-stock company, society or other legal entity.
  - d. **PUBLIC PLACE** -- Every class of road, sidewalk, parking lot and other areas publicly owned and operated, or privately owned and open to the public, or a segment thereof, excluding the interior or parking area of any building where a shopping cart was obtained.
  - e. **REMOVE** -- To take, transport or otherwise remove for any purpose, a shopping cart from the interior (if the building should have no parking area accessible to the public) or parking area of the place of the person who makes the shopping cart available to the public. Removal or transport of a shopping cart by the owner or agent of the owner for repair, shipment to another location or for any other legal purpose shall not constitute a violation of this chapter.
  - f. **SHOPPING CART** -- 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.
- 2) **Removal of shopping carts from property of owner prohibited:** The Granada Hills South Neighborhood Council requests that it shall be unlawful for any person to remove, for any purpose, a shopping cart, with markings as set forth in section “4)”, from the interior of any establishment that does not contain a parking area or from the parking area of any establishment where a shopping cart was obtained. The possession of a shopping cart so marked by a person, other than the owner or agent of the owner, in a place other than that from which the shopping cart was legally made available to the public shall constitute a rebuttable presumption that such person did unlawfully remove such shopping cart from the premises of the owner.
- 3) **Abandoning shopping carts prohibited:** The Granada Hills South Neighborhood Council requests that it shall be unlawful for any person who obtains possession of a shopping cart from an establishment to leave or abandon the shopping cart in any public place or on private property other than property of the establishment.
- 4) **Identification markings required:** The Granada Hills South Neighborhood Council requests that every establishment shall mark or cause to be marked any shopping cart in a conspicuous and permanent manner with the name of and/or company logo, the address and telephone number of the establishment from which it was made available or permitted to be utilized. The markings required by this

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section shall be affixed within 90 days of the adoption of this resolution. Such identification shall be in the form of a metal or plastic tag securely affixed to the frame of the shopping cart or in some other equally noticeable and permanent manner. Upon expiration of this ninety-day period, any establishment with shopping carts not affixed with the identifying markings required by this section shall be in violation.

- 5) **Posting of signs required:** The Granada Hills South Neighborhood Council requests that any person owning, making available or having control of a place where shopping carts are utilized shall conspicuously post multilingual signs at said establishment, said signs to be posted in the interior of the establishments and in the parking lots of such establishments. The signs shall be in conformance with state standards and state, at a minimum, the following:

### **REMOVAL OF SHOPPING CARTS FROM THE PREMISES IS PROHIBITED BY LAW.**

Such signs shall also list an address and telephone number for returning the shopping cart to the establishment. The signs required by this section shall be erected within 90 days of the adoption of this resolution. Upon the expiration of this ninety-day period, it shall be a violation for any person to own, make available or permit shopping carts to be utilized in an establishment without first posting the signs required by this section.

- 6) **Disposition of abandoned shopping carts; fees:** The Granada Hills Neighborhood Council requests that the following be adopted regarding abandoned shopping carts and subsequent fees and fines:
- a. Abandoned shopping carts are declared to be a nuisance and a hazard.
  - b. Any shopping cart found abandoned upon the highways, streets, alleys, sidewalks or other public ways shall be deemed to be a public nuisance. Any such cart shall be impounded by the city of Los Angeles in a central pound and be held until redeemed, sold or otherwise disposed of as hereinafter provided.
  - c. Whenever the city shall have impounded three or more carts bearing identification of ownership from any one establishment, the city shall notify the owners of such carts, setting forth the number of carts so impounded and directing said owner to redeem the same within fifteen (15) days from the date of said notice. Such notice shall advise that the impounded shopping carts may be redeemed upon payment of the administrative fee of \$35 for each shopping cart so redeemed. The notice shall also contain the hours and days during which shopping carts may be redeemed.
  - d. If, after 15 days following the mailing of the notice described in section 6c and in the case of a cart which cannot be identified because the same is not properly tagged with the owner's name, the city may proceed to sell such

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- cart(s) or dispose of the shopping cart(s) in whatever other manner it deems appropriate.
- e. The proceeds realized from the redemption or sale of shopping carts shall be deposited in the general educational funds for the Los Angeles County School District.
- 7) **Additional mitigation requirements:** Beginning 90 days after the adoption of this resolution, the Granada Hills South Neighborhood Council requests that any new application submitted to any city department or board within the county of Los Angeles for the construction or conversion of an establishment shall require, as a condition of approval of the application, that each shopping cart of the establishment be equipped with a security device as follows:
- a. Establishments planning to own, make available or have utilized more than 30 shopping carts shall be required to install a system that causes a wheel of the shopping cart to lock when the conveyance is moved across an antenna located at the perimeter of the establishment's parking area.
  - b. Establishments planning to own, make available or have utilized 30 or fewer shopping carts shall have the option of installing the system described in section 7a or a shopping cart handle lock system deactivated through the introduction of a coin or coins that may be redeemed by the user upon return of the shopping cart.
  - c. Except for establishments utilizing five or fewer shopping carts in their operations, beginning 36 months after adoption of this chapter, all establishments shall be required to have installed the appropriate shopping cart security system mandated for new applicants under section 7a and 7b. At the expiration of this thirty-six month period, it shall be unlawful for any establishment shopping cart not to be equipped with the appropriate security device as described in section 7a and 7b.
- 8) **Penalties for offenses:** The Granada Hills South Neighborhood Council requests that any person convicted of violating any of the provisions of this resolution shall be guilty of a violation punishable by a fine of not less than \$25 or more than \$100. In reference to sections 4, 5, and 7c, each day a violation continues shall constitute a separate offense.
- 9) **Severability:** The Granada Hills South Neighborhood Council requests that if any clause, sentence, paragraph, subdivision, section or part of this chapter or the application to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this chapter, or its application to the person or circumstance directly involved in the controversy in which such order or judgment shall be rendered.<sup>2</sup>

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<sup>2</sup> The majority of this resolution has been adopted from the chapter passed by the Town Board of the Town of Greenburgh, New York.