

Ordinance No. 1624(16)

**An Ordinance of the City Council of the City of Lompoc,
County of Santa Barbara, State of California,
Regulating Shopping Carts**

WHEREAS, shopping carts are routinely abandoned on the City of Lompoc's (City) rights-of way; and

WHEREAS, the presence of abandoned shopping carts is found to be a public nuisance and contributes to a decline in the quality of life; and

WHEREAS, the abundance of abandoned shopping carts on the City's rights-of-way encourages crime, tends to reduce property values, and is a blight on the community; and

WHEREAS, abandoned shopping carts also obstruct pedestrian access, interfere with pedestrian and vehicular traffic, and emergency services; and

WHEREAS, the City Council finds the standards set forth in this ordinance are necessary to protect the public safety and welfare of the residents of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 8 of the Lompoc Municipal Code is hereby amended by adding Chapter 8.32 to read as follows:

Chapter 8.32 SHOPPING CARTS

8.32.010 Definitions.

As used in this chapter, the following definitions shall apply, and for purposes of this chapter, shall supersede any other definitions of the same terms in this Code.

"Abandoned Shopping Cart Prevention Plan," "ASCPP" and "plan" shall mean a document required to be submitted by the responsible business owner, pursuant to this chapter.

"Agent" shall mean the person or persons designated in the owner's ASCPP, authorized to perform or provide retrieval services on behalf of the owner of the business. The agent may be the owner, if so designated in the approved ASCPP.

“Business premises” and “premises” shall mean the entirety of a commercial site upon which a shopping cart provider conducts a commercial establishment, including, but not limited to, the interior of the shopping cart provider’s commercial establishment, adjacent walkways, any associated loading and parking areas provided on that site or provided on private property in conjunction with the commercial establishment, and not including any public right-of-way.

"Director" shall mean the City Manager for the City of Lompoc, or such other City staff member designated by the City Manager to administer this chapter.

“Enforcement personnel” shall mean City staff or agents authorized by the City Manager to enforce this chapter.

"Physical containment system" shall mean a disabling device on shopping carts, which prevents them from being removed from the business premises by locking the wheels or other means of preventing the movement of the carts, or any other system of equipment approved by the Director, which physically contains shopping carts on premises.

“Private property” shall mean any privately owned property.

“Public right-of-way” shall mean any sidewalk, street, alley, lane, court, park, or parkway on public property or other public place within the City.

“Shopping cart” and “cart” shall mean 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, or used in a Laundromat facility for transporting of laundry, but not including lightweight and/or folding shopping carts designed and sold for private use.

“Shopping cart identification” shall mean clearly legible information on each shopping cart that readily defines the shopping cart owner.

“Shopping cart owner,” “shopping cart provider,” and “owner” shall mean any person or entity, who in connection with the conduct of a business, possesses, leases or provides shopping carts to customers or the public, for the purpose of transporting goods of any kind on the business premises. For purposes of this chapter, "owner" shall also include the owner's designated agent.

“Shopping cart retrieval service” shall mean a third-party commercial service, possessing a current business tax certificate issued by the City, and authorized by a shopping cart owner to retrieve and return shopping carts.

“Vacant lot” shall mean any lot of land, privately or publicly owned, that is not developed with a use consistent with this code and the property’s zoning designation.

8.32.020 Applicability.

This chapter shall apply to all shopping cart owners within the City's jurisdictional boundaries.

8.32.030 Shopping Cart Identification Required.

It shall be the responsibility of each shopping cart owner to have each of their shopping carts to have a shopping cart identification.

8.32.040 Mandatory Abandoned Shopping Cart Prevention Plan.

Each person who owned or controlled a business in existence with the City's jurisdiction on September 1, 2016, who provided shopping carts for use by customers or the public, shall submit an ASCPP to the City Clerk's Office for review, on or before December 31, 2016.

Each business owner who plans to begin to provide shopping carts for use by customers or the public after September 1, 2016, shall submit an ASCPP to the City Clerk, for review at the time they apply for a new or renewed business tax certificate.

The ASCPP shall include the following elements:

- A. Name of Business/Owner. The name of the owner and the business name; the physical address where the business is conducted; name, address and phone number(s) of the on-site and off-site owner if different.
- B. Community Outreach. The owner shall cause notice to be provided to customers the removal of carts from the premises is prohibited, and a violation of state and municipal law. That notice, at a minimum shall include warnings on one or more signs posted in prominent places near door and parking lot exits. Any posting of signs shall comply with applicable provisions of this code.
- C. Mandatory Cart Retrieval. A plan for retrieval of abandoned shopping carts by the owner, or evidence of a contract with a shopping cart retrieval service with terms requiring collection of abandoned shopping carts.
- D. After Hours Cart Containment: A plan for securing shopping carts whenever the store is not open for business.

8.32.050 Exemption from Mandatory Plan.

Any owner will be granted, by the Director, an exemption from the requirements of this chapter if the owner provides written documentation and demonstrates to the satisfaction of the City the owner has:

- A. A contract with a Lompoc licensed cart retrieval service, or a physical device or mechanism in place that prevents the unauthorized removal of carts from the owner's premises; and,
- B. None of the owner's shopping carts have been found abandoned on three or more occasions during the six-month period immediately preceding the date the application for an exemption is submitted to the Director.
- C. A written application for the exemption shall include all of the following:
 - 1. The name of the owner and the name of the business; the physical address where the business is conducted; and the name, address and phone number of the on-site and off-site owner if different;
 - 2. The method, or physical device that will ensure the shopping carts will not leave the premises.
- D. Any exemption granted to an owner shall be void upon the sale or transfer of ownership of the business.

8.32.060 Penalty for Failing to Submit an ASCPP.

Any owner who fails to provide the ASCPP shall be required to pay the City \$100 for each calendar month the ASCPP is not provided, as a penalty for not complying with Section 8.32.050.

8.32.070 Abandonment Prohibited.

It shall be unlawful for any person to cause or permit any shopping cart to be abandoned on or upon any sidewalk, street or other public area, or upon private property or a vacant lot, other than the premises of the owner of such shopping cart.

8.32.080 Removal or Possession of Shopping Cart Unlawful.

- A. It is unlawful for any person to remove or possess any shopping cart outside the business premises of the shopping cart's owner or provider without the express prior written consent of that owner or provider.

- B. It is unlawful for any person to possess any shopping cart that is owned by another individual without the permission of that individual if that shopping cart has that other individual's name permanently affixed to it.

8.32.090 Penalty for Violation of Section 8.32.080.

Notwithstanding anything else in this Code, any City police officer or code enforcement officer may issue any person who has violated Section 8.32.080 an administrative citation to pay a fine of \$100, without first providing written or verbal notice of a violation. If the person issued that citation shows proof to the issuing officer of having purchased his or her own shopping cart and that person's name is permanently affixed to that shopping cart, then the administrative citation shall be cancelled.

SECTION 2. This ordinance shall take effect 30 days after its adoption. The City Clerk, or her duly appointed deputy, shall attest to the adoption of this ordinance and shall cause this ordinance to be posted in the manner required by law.

This Ordinance was introduced on September 20, 2016, and duly adopted by the City Council of the City of Lompoc at its duly noticed regular meeting on _____, 2016, by the following electronic vote:

PASSED AND ADOPTED this ___th day of ___ 2016, by the following electronic vote:

AYES: Council Member(s):
NOES: Council Member(s):
ABSENT: Council Member(s):

Bob Lingl, Mayor
City of Lompoc

Attest:

Stacey Haddon, City Clerk
City of Lompoc