

ORDINANCE NO. 841

AN ORDINANCE OF THE CITY OF RANCHO CUCAMONGA
REGULATING THE REMOVAL OF SHOPPING CARTS FROM
RETAIL ESTABLISHMENT PREMISES, AND AMENDING TITLE
8 OF THE RANCHO CUCAMONGA MUNICIPAL CODE

A. Recitals.

(i) California Business and Professions Code Section 22435 *et seq.* regulates and prohibits the removal of shopping carts with permanently affixed identification signs from the premises or parking areas of retail establishments.

(ii) California Business and Professions Code Section 22435.8 does not prohibit the City's adoption of an ordinance that regulates or prohibits the removal of shopping carts from the premises or parking areas of retail establishments, except to the extent any provision of such an ordinance expressly conflicts with California Business and Professions Code Section 22435 *et seq.*

(iii) The City Council finds that the abandonment of shopping carts within the City is a source of visual blight and reduces the aesthetic appearance of the City.

(iv) The City Council further finds that the abandonment of shopping carts on both private and public property, including streets and other rights-of-way, can impede pedestrian and vehicular traffic, including emergency services, and constitutes a nuisance and a threat to the public health, safety, and welfare.

(v) The City Council finds that local retail establishments that own or provide shopping carts to customers for use on or about their premises often fail to take reasonable and appropriate steps to prevent the unauthorized removal of shopping carts from their premises or retrieve removed shopping carts in a timely manner.

(vi) The City Council finds that, in addition to the requirements of California Business and Professions Code Section 22435 *et seq.*, requiring local retail establishments that own or provide shopping carts for use by customers to implement measures to prevent the removal of shopping carts from their establishments is necessary to reduce visual blight and nuisances in the City, and to protect the public health, safety, and welfare.

B. Ordinance.

NOW, THEREFORE, the City Council of the City of Rancho Cucamonga hereby ordains as follows:

Section 1. A new Chapter 8.50 is hereby added to Title 8 of the Rancho Cucamonga Municipal Code to read as follows:

**Chapter 8.50
SHOPPING CARTS**

Sections:

8.50.010	Purpose and intent.
8.50.020	Definitions.
8.50.030	Business Owner obligation to prevent the removal of Shopping Carts from Premises.
8.50.040	Duty to abate.
8.50.050	City powers not limited by this chapter.
8.50.060	Enforcement.

8.50.010 Purpose and intent.

A. The City has determined that the unauthorized removal of shopping carts from retail establishments and their subsequent abandonment on public and private properties creates visual blight and potential hazards to the health, safety, and welfare of the public, interferes with pedestrian and vehicular traffic, and constitutes a nuisance.

B. It is the intent of this Chapter to regulate, in accordance with and in addition to Business and Professions Code Section 22435 *et seq.*, the removal of shopping carts from the premises or parking areas of retail establishments.

8.50.020 Definitions.

A. "Business Owner" means the owner or operator of a commercial establishment that provides Shopping Carts for use by its customers for the purpose of transporting goods of any kind on or about its Premises.

B. "Parking Area" means a parking lot or other property provided by a Business Owner for use by a customer for parking an automobile or other vehicle. 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.

C. "Premises" means the interior of a Business Owner's establishment, adjacent walkways, any loading area, and the parking area, as defined herein.

D. "Shopping Cart" means a basket that is mounted on wheels or a similar wheeled device used in a retail establishment by a customer for transporting goods.

8.50.030 Shopping Cart identification signs.

Business Owners shall permanently affix vandal-resistant identification signs to each Shopping Cart on its Premises. The identification sign shall conspicuously set forth all of the following information:

A. The name and address of the Business Owner and Premises;

B. A valid telephone number or address for notifying the Business Owner for purposes of returning the Shopping Cart if found off of the Business Owner's Premises;

C. Notice to the public that the unauthorized removal of a Shopping Cart from the Premises, or the unauthorized possession of a Shopping Cart, is a violation of state law.

D. Notice to the public of the procedure to be utilized for authorized removal of the Shopping Cart from the Premises.

8.50.040 Business Owner obligation to prevent the removal of Shopping Carts from Premises.

A. All Business Owners shall implement effective measures to prevent and discourage the removal of Shopping Carts from their Premises. In furtherance thereof, Business Owners shall comply with the following requirements:

1. Business Owners shall post and maintain signs at each customer pedestrian exit on the Premises, in one or more languages, providing notice that customers may not remove Shopping Carts from the Premises without written authorization and that unauthorized removal of Shopping Carts from the Premises is a violation of state law. The sign(s) shall be conspicuously and prominently displayed to be clearly visible at each customer pedestrian exit on the Premises.

2. Shopping Carts may not be utilized off of a Business Owner's Premises without the Business Owner's written consent.

3. Upon receipt of telephonic or written notification from the City or any person, that a Shopping Cart belonging to a Business Owner has been found off of the Business Owner's Premises the Business Owner shall retrieve such Shopping Cart within 48 hours of receipt of such notice.

8.50.050 City powers not limited by this chapter.

Nothing in this section is intended to limit the ability of the city to remove or dispose of any cart to which a cart identification sign is not attached, or to remove or dispose of any cart which impedes the provision of emergency services, or which is an immediate threat to public health and safety, to the full extent permitted by state law.

8.50.060 Enforcement.

A. The city manager or his or her designee, including but not limited to, police officers, code enforcement officers, or other duly authorized enforcement officials of the city shall have the authority to enforce the provisions of this chapter.

B. Any person who violates any provision of this chapter is guilty of a misdemeanor, and shall be subject to the enforcement remedies set forth in Chapter 1.12 of the Rancho Cucamonga Municipal Code.

C. Nothing in this chapter shall be intended to limit any of the civil, administrative or criminal remedies available to the city, nor shall it be intended to limit the city from engaging in efforts to obtain voluntary compliance by means of warnings, notices, administrative citations or educational programs."

Section 2. The provisions of this Ordinance shall become operative and may be enforced, commencing 180 days after the effective date.

Section 3. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. This City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

Section 4. The City Clerk shall certify to the adoption of this Ordinance.

*Please see the following page
for formal adoption, certification and signatures*

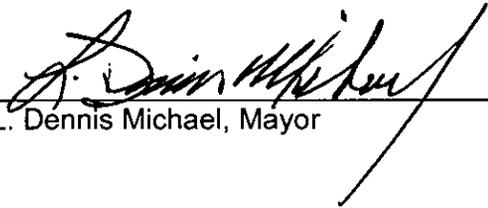
PASSED, APPROVED, AND ADOPTED this 18th day of May 2011.

AYES: Alexander, Buquet, Michael, Spagnolo, Williams

NOES: None

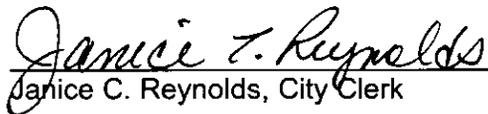
ABSENT: None

ABSTAINED: None



L. Dennis Michael, Mayor

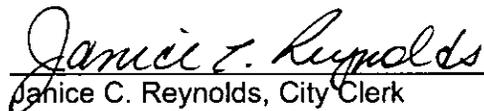
ATTEST:



Janice C. Reynolds, City Clerk

I, **JANICE C. REYNOLDS, CITY CLERK** of the City of Rancho Cucamonga, California, do hereby certify that the foregoing Ordinance was introduced at a Regular Meeting of the Council of the City of Rancho Cucamonga held on the 4th day of May 2011, and was passed at a Regular Meeting of the City Council of the City of Rancho Cucamonga held on the 18th day of May 2011.

Executed this 19th day of May 2011, at Rancho Cucamonga, California.



Janice C. Reynolds, City Clerk