

To: Mayor and City Councilmembers

From: Nate Burkett, City Manager

Date: October 10, 2024

Subject: Shopping Cart Ordinance – Conceptual Discussion

Several members of Council and some members of the public have brought forth concerns that there are too many instances of abandoned shopping carts throughout the City. The purpose of this discussion is to obtain input from the entire Council as to the need for, and interest in adoption of an ordinance to reduce abandoned shopping carts throughout the City.

Background

In the past, the City has tried a couple of different approaches to managing abandoned shopping carts. No approach has been particularly effective, and has resulted in higher costs than previous Councils have felt are reasonable.

The most recent formal approach used by the City to manage abandoned shopping carts is that City staff would collect carts, take them to the Public Works shop and notify those businesses whose carts were retrieved that they were available. On an average week when this program was in place, the City collected 20 carts. The City charged the owners of the carts for storage in order to take return of the carts. However, the City often ended up scrapping the carts, due to the owners not returning to claim them.

Currently, the City has two volunteers that pick up shopping carts once every two weeks. They use a city vehicle but donate their time. The volunteers return the carts to the property they came from (as best we can tell). Currently we are not keeping a specific count of the number of carts collected.

The City does not currently have an ordinance guiding the management of shopping carts and it does not appear as though there has been one.

Ideas/Questions for Consideration

The ideas below are presented for the Council to consider as elements of an ordinance, should the Council direct one be drafted.

- Should the ordinance include language making it a violation of the ordinance on the part of the person removing the cart from the business' premises and/or should it be a violation of the ordinance on the part of the person abandoning a cart?
- Should businesses that provide shopping carts be required to provide/comply with any/all of the following? Many of these options may be combined. Some may be required, some may be alternatives at the discretion of the business.
 - permanently affix ownership information to shopping carts
 - place signage on their property warning that removing a shopping cart from the premises is a violation of the city code
 - after hours security measures in place and/or carts secured
 - Adopt a shopping cart management plan which includes one or more of the following:
 - physical disabling devices based on proximity to the property (note: other cities have found that these devices are easily broken and are not a consistently reliable method of loss control)
 - Requiring a security deposit to use a shopping cart
 - Provide a dedicated employee or security to ensure that shopping carts do not leave the premises
 - Establish and adhere to a shopping cart retrieval plan managed by the businesses themselves, including dedicated retrieval staff at least a certain number of times per week.
 - Participate in a cart retrieval pilot program (see Pilot Program Concept below)

Pilot Program Concept

The Council may wish to consider establishing a pilot program for businesses to voluntarily opt in to as a means to manage abandoned shopping carts. The basic concept for the pilot program would be:

- Businesses would voluntarily enroll into the program
- City staff would collect abandoned shopping carts 2-3 times per week
 - Part time staff or full time on overtime hours depending on availability
- City staff would return abandoned shopping carts directly to the business
- The City would bill the business a per-cart fee (approximately \$20-30, fees would be established with the goal to recover 100% of the cost)
- Businesses not enrolled in the pilot program may have their carts returned to them, and the city would fine them (a fine would be higher than the per-cart fee when enrolled in the program)

Potential Pitfalls

- **When a shopping cart leaves the premises of the business, they are a victim of a crime** - Most of these ideas focus in on the owners of the shopping carts/businesses as the entity that is responsible for managing abandoned shopping carts. While this may be reasonable, when a shopping cart is taken off a businesses premises without their permission, they are in fact, a victim of a crime at that time. Is putting additional restrictions on businesses to decrease the likelihood that they are a victim of a crime appropriate? Is requiring businesses to pay for return of property that has effectively been stolen appropriate? Is fining businesses for abandoned shopping carts appropriate?
- **Clearly identifying when a shopping cart is “abandoned”** – Many ordinances of this type identify that a shopping cart is abandoned when it is unattended on any private property (except the premises of the shopping cart owner), or any City street, right-of-way, alley, sidewalk, facility, park, open space or other public property for any period of time. However, many ordinances also provide that the City will tag and notify the owner of a shopping cart and provide them with 24-48 hours to remove the cart prior to taking action. The pilot program proposed above effectively solves for this – any shopping cart not on the premises of the owner is abandoned and the City can remove it. But what is reasonable if a business refuses to participate in the pilot program? Are we taking on additional, unreasonable, and in most instances unrecoverable expense to tag and notify the owner?
- **Potential harm to vulnerable populations** – By placing additional emphasis on ensuring that there are fewer abandoned shopping carts in the City, are we potentially harming vulnerable populations? Right or wrong, unhoused people, people who lack transportation, and differently-abled people tend to be the individuals who remove shopping carts from the premises they belong to. While technically this is a crime, absent an ordinance of this nature, many businesses tend to ignore the loss. In the city’s own experience many businesses will not even retrieve abandoned carts even after the City has collected them and brought them to a central point. If it does not seem to concern businesses enough to enact measures on their own, should the City create such a requirement?
- **Does the outcome justify the expense?** Any of these measures will require staff time and resources to ensure implementation. Is the presence of abandoned shopping carts a significant enough problem in the City to justify additional expense and staff resources to reduce the number of abandoned shopping carts? It is impractical that the City would collect shopping carts every day, so it is reasonable to presume that in the intermediate time period between collections there will be an accumulation of abandoned shopping carts. Is this enough of a public nuisance to justify proceeding with an ordinance?