

ORDINANCE NO. 584-C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN GABRIEL
REQUIRING SHOPPING CART CONTAINMENT

**THE CITY COUNCIL OF THE CITY OF SAN GABRIEL DOES HEREBY
ORDAIN AS FOLLOWS:**

SECTION 1. The City Council finds, determines and declares as follows:

- A. The City Council has expressed concern regarding the continued problem of abandoned shopping carts in the city; and
- B. Shopping carts are routinely abandoned on the streets and sidewalks of the City and more abandoned shopping carts are being retrieved annually from the City's street and sidewalks; and
- C. The presence of abandoned shopping carts is found to be a public nuisance and contributes to a decline in the quality of life; and
- D. The abundance of abandoned shopping carts on the City's streets and sidewalks encourages crime, tends to reduce property values and is a blight on the community; and
- E. Abandoned shopping carts also obstruct pedestrian access along City streets, sidewalks and parking lots and interfere with the pedestrian, vehicular, and emergency services traffic on streets;
- F. The City Council finds that the standards set forth in this ordinance are necessary to protect the public safety and welfare of the residents of the City of San Gabriel.

SECTION 2. A new Chapter 125 – Shopping Carts is hereby added to Title XI of the San Gabriel Municipal Code to read as follows:

CHAPTER 125: SHOPPING CARTS

§125.001 LEGISLATIVE PURPOSE

Many retail establishments provide shopping carts for the convenience of customers while shopping on the business premises. However, shopping carts removed from the premises of such businesses and left abandoned on public or private property throughout the city constitute a public nuisance and a potential hazard to the health and safety of the public. The abundance of lost, stolen, or abandoned shopping carts on public and private property causes blighting conditions in the community, results in the obstruction of free access to public and private sidewalks, streets, parking lots, and interferes with pedestrian and vehicular traffic on public and private streets, and impedes emergency services. The purpose of this chapter is to establish

cart provider will be required to modify the existing system or implement a new containment system within 30 days of said finding. Cart providers may not lose more than 3 (three) carts a day to be considered effective.

2. Installation of the physical containment system required shall be completed prior to the issuance of a business license to any cart provider for any business opened after the effective date of this Ordinance.

3. For each cart provider whose business is legally in operation before the effective date of this Ordinance, a six (6)-month implementation period will be provided to allow the cart provider time to evaluate its own rates of cart loss and to secure and install an effective containment system. Any such cart provider who has not installed a physical containment system at the conclusion of the six (6)-month period from the effective date of this Ordinance shall be in violation of the San Gabriel Municipal Code. An extension may be given at the discretion of the city's Development Services Director or his/her designee.

(B). It shall be unlawful for the owner of any retail establishment to provide or offer, or permit to be provided or offered, to customers of the retail establishment any shopping cart which does not have a sign permanently affixed thereto containing all of the information required by Section 22435.1 of the Business and Professions Code of the State of California.

§125.005 CART RETRIEVAL REQUIRED

In addition to installing physical measures to prevent the removal of carts from the premises, each cart provider that provides ten (10) or more shopping carts shall also retrieve any abandoned shopping cart related to the business and collect all shopping carts located on the premises and confine them in a cart containment area at the end of each business day (other than an establishment open for business twenty four hours per day).

§125.006 PENALTY

Violations of the mandatory requirements of this Chapter may be subject to misdemeanor, infraction and or administrative citation penalties as provided for in the San Gabriel Municipal Code.

SECTION 3. SEVERABILITY

Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

regulations to ensure that measures are taken by the owners and operators of businesses which provide ten (10) or more shopping carts to prevent the removal of shopping carts from the business premises and provide prompt retrieval of lost, stolen, or abandoned shopping carts, to compliment state law, and adopt local regulations to the extent not otherwise preempted by state statute.

- (A) **ABANDONED SHOPPING CART.** A shopping cart removed from the business premises by any person without the written consent of the owner of the shopping cart or the retailer entitled to possession of the cart, or a cart left unattended, discarded, or abandoned outside the business premises or parking lot or facility of the business establishment which furnishes the shopping cart for patrons.
- (B) **BUSINESS PREMISES.** The entirety of a commercial or industrial site upon which a cart provider conducts a commercial establishment, including, but not limited to, the interior of the 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 or industrial establishment.
- (C) **CART PROVIDER.** The owner or operator of a business who provides ten (10) or more carts for use by its customers for the purpose of transporting goods of any kind.
- (D) **PHYSICAL CONTAINMENT SYSTEM.** Devices on all shopping carts, which prevent them from being removed from the business premises by locking the wheels or otherwise preventing the movement of the shopping carts off the business premises or from the businesses entrance/exit.
- (E) **SHOPPING CART.** Any basket of any size, mounted on wheels or other similar device provided by the store operator for the purpose of transporting goods of any kind within a business establishment or designated parking or loading area of that business establishment.

§125.003 ENFORCEMENT

The Community Development Director or his/her designee shall oversee the implementation, administration, and enforcement of this chapter.

§125.004 CART CONTAINMENT REQUIREMENTS

(A). Except as otherwise provided, it shall be unlawful for owners or operators of any establishment that provides ten (10) or more carts to provide or offer, or permit to be offered, any shopping carts to customers of the retail establishment without an approved mandatory cart containment system meeting one or all of the following criteria:

1. Installation of disabling devices on all carts, which are activated when they cross a barrier at the entrance/exit to the business structure or the perimeter of the premises. If the cart provider's containment system is found to be ineffective by city staff the

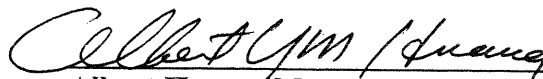
SECTION 4.

This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final reading and adoption.


SECTION 5.

The City Clerk shall certify to the adoption of this ordinance and shall cause a copy of the same to be processed in the manner prescribed by law.

APPROVED, and ADOPTED this 1st day of June 20 10.


Albert Huang, Mayor

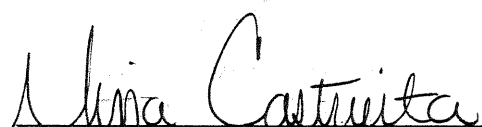
ATTEST:


Nina Castruita, Deputy City Clerk

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I, Nina Castruita, Deputy City Clerk of the City of San Gabriel, California, do hereby certify that the foregoing ordinance was adopted by the City Council of the City of San Gabriel at a regular meeting held thereof on the 1st day of June, 2010 by the following vote, to wit:

Ayes: Costanzo, De La Torre, Gutierrez, Huang, Sawkins
Noes: None
Abstain: None
Absent: None



Nina Castruita, Deputy City Clerk
City of San Gabriel, California

I hereby certify that the foregoing document is a full true and correct copy of
Ordinance 584-C.S.
on file in the office of the City Clerk of the City of San Gabriel, California.
Diana Escobon 6/2/10
Office of the City Clerk Date
City of San Gabriel