

ORDINANCE NO. 19-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CENTRO
ADDING CHAPTER 16, ARTICLE XVIII REGARDING SHOPPING CART
CONTAINMENT, RETRIEVAL AND ABATEMENT

Sec. 1 The City Council of the City of El Centro does ordain as follows:

Chapter 16, Article XVIII is added to the City Code to read as follows:

Shopping Cart Containment, Retrieval and Abatement

Section

16-500	Purpose
16-501	Declaration of public nuisance
16-502	Definitions
16-503	Administration
16-504	Cart identification
16-505	Removal of carts prohibited
16-506	Prevention of cart removal; cart containment plan
16-507	Cart retrieval plan
16-508	Notification and removal of abandoned carts
16-509	Penalties for violation of this Article

Sec. 16-500. - Purpose.

This ordinance requires actions to be taken by owners of carts and businesses that provide carts to their customers to prevent those carts from being removed from the owner's premises, to make removal of a cart a violation of this Code and to facilitate the retrieval of carts in a manner consistent with public safety and California law.

Sec. 16-501. Declaration of Public Nuisance.

The City Council has determined that the unauthorized removal of carts from business establishments and the subsequent abandonment of those carts 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 public nuisance that shall be subject to abatement in the manner set forth in this Article or in any other manner provided by law.

Sec. 16-502. - Definitions.

As used in Article, the following words and phrases have the meanings set forth below:

Abandoned cart means a cart located outside the premises of the business establishment for at least three (3) sequential business days which cart does not contain personal possessions other than those purchased from the business establishment.

Business Establishment. Any business or owner in the City that provides or makes available carts for and used by customers.

Cart means a basket that has been mounted on wheels or a similar device generally used in a business establishment by a customer for the purpose of transporting goods of any kind and includes laundry carts and shopping carts.

Cart containment area means that area of the premises, including the parking lot, whether indoors or outdoors, where carts are secured in such a way that they cannot be removed, i.e. by being chained together or in a locked area or otherwise.

Community Development Director, as used herein, shall mean the Community Development Director of the City of El Centro or their designee.

Enforcement Official means any code enforcement officer employed by the City or other official charged with enforcing the Municipal Code of the City.

Laundry Cart means a basket which is mounted on wheels and used in a coin-operated laundry or dry-cleaning establishment by a customer or an attendant for the purpose of transporting fabrics and the supplies necessary to process them.

Owner or "cart owner" means any person or entity that, in connection with the conduct of a business establishment owns, rightfully possesses or makes any cart available to patrons and/or to the public for use on its Premises. "Owner" includes but is not limited to a person, partnership, association, corporation or legal entity, that owns, leases, occupies, controls, manages or possesses any cart and includes the owner's agent or authorized representative.

Parking area means a parking lot or other property provided by a business establishment for the use of customers for parking of customer vehicles, including areas for return of shopping carts. The parking area of a business establishment located in a multi-store complex or shopping center includes the entire parking area used by the multi-store complex or shopping center.

Premises means any building, property or other area in the City where any business establishment is conducted or operated and includes the parking area and adjacent walkways where the business establishment's carts are permitted.

Sec. 16-503. - Administration.

The Community Development Director shall have the authority to promulgate and or adopt written regulations to implement the provisions of this Article.

Sec. 16-504. – Cart Identification.

a. Each cart owned or provided by a business establishment shall have a cart identification sign permanently affixed to it. Such identification sign must contain all of the following information:

1. The identity of the owner of the cart or the name of the business establishment, or both;
2. Notification to the public of the procedures to be utilized for authorized removal of the cart from the premises, which may be the owner's telephone phone number;

3. Notification to the public that the unauthorized removal of the cart from the premises, the unauthorized possession of the cart, or the unauthorized alteration of the cart or removal of the cart identification sign after removal of the cart, is a violation of state and local law; and
4. The address for returning a cart removed from the premises to the owner and a valid phone number to contact the owner or to report the location of the cart.
 - b. Every cart owner continuously shall maintain or cause to be maintained each cart identification sign so that all of the required information is accurate and clearly legible.

Sec. 16-505 – Removal of Carts Prohibited.

Without the cart owner’s prior written authorization, it is unlawful and a violation of this Article for any person other than a cart owner to:

- a. remove a cart either temporarily or permanently from the premises;
- b. be in possession of a cart that has been removed from the premises unless it is in the process of being immediately returned to the owner;
- c. leave or abandon a cart at a location other than the premises; and
- d. alter, convert, or tamper with a cart, or to remove any part or portion thereof or to remove, obliterate or alter the cart identification sign.

This section does not apply to carts that are removed for the purpose of repair or maintenance.

Sec. 16-506. – Cart Containment Plan.

Every owner that provides carts to customers for use on the premises shall develop and implement a written cart containment plan to prevent the unauthorized removal of such carts from the premises (which includes parking areas). The cart containment plan shall be provided to the City upon request and at a minimum shall include the following elements with a description of how each element will be implemented:

- a. Written notice to customers that the removal of carts from the premises is prohibited and a violation of state and local law.
- b. Signs placed in pertinent and highly visible locations near all exit doors and near parking lot exits used by business patrons warning customers that cart removal is prohibited and a violation of state and local law.
- c. Specific physical measures to prevent, deter or impede the removal of carts from the premises. These measures may include, but are not limited to, the following:
 1. Mechanical disabling devices installed and maintained on all carts;
 2. Having one or more designated employees assigned the responsibility to prevent or deter customers from removing carts from the premises; and
 3. Requiring security deposits by customers for cart use.
- d. All carts located on the premises (other than an establishment open for business 24 hours per day) shall be collected at the end of each business day, returned to an approved cart containment area and secured in a manner that prevents removal until the commencement of the next business day.
- e. All carts located on the premises of a business establishment that is open for business 24 hours per day, other than carts that are currently in use, shall be collected and returned to approved cart containment areas at least once per calendar day.
- f. The owner of the business establishment shall implement and maintain a periodic training program for new and existing employees to educate such employees on the

requirements of the business establishment's cart containment plan and the provisions of state and local law prohibiting the unauthorized removal of carts from the premises.

Sec. 16-507 – Cart Retrieval Plan.

Every business establishment that provides carts for customer use shall develop, implement and carry out a written cart retrieval plan to recover carts removed from the premises. The cart retrieval plan shall be provided to the City upon request and at a minimum shall include the following elements with a description of how each element will be implemented:

- a. The business establishment shall designate personnel assigned to the retrieval of lost, stolen or abandoned carts. Such personnel may include licensed independent cart retrieval services.
- b. The business establishment shall provide retrieval personnel in a sufficient number to assure that carts are retrieved no less than once every 24 hours from all public places, including but not limited to streets, sidewalks, bus stops and parks, within the City.
- c. Each business establishment shall instruct personnel, in writing, as to which carts shall be retrieved and returned and which carts shall be destroyed or become the possession of any cart retrieval service.
- d. Each business establishment shall provide its cart containment and retrieval plans at the time of obtaining or annually renewing its business license. Failure to provide such a plan upon request may be grounds for failure to grant or for non-renewal of a business license. Any new business obtaining a land use entitlement for a business establishment shall provide its cart containment and retrieval plan before approval of such land use entitlement.
- e. In addition, at least quarterly, and more often if necessary for compliance, the owner of the business establishment shall provide a written report to the Community Development Director specifying the number of carts retrieved by retrieval personnel during the prior quarter.
- f. The business establishment shall designate one or more individuals who have the authority to retrieve carts at any time. The business establishment shall provide the Community Development Director with the appropriate contact information (including an email address, telephone number, or both) and ensure that the contact information is accurate and updated as necessary.
- g. If notified by an Enforcement Official, the business establishment shall ensure that a removed or abandoned cart(s) is retrieved within 24 hours of the oral or written notification.

Sec. 16-508. – Notification and City Removal of Abandoned Carts.

- a. In accordance with California Business and Professions Code Section 22435.7, the City may but is not required to adopt a cart impoundment system. In that event, pursuant to the requirements of that Section, the City shall notify the owner of any cart that has affixed to it the cart identification required by this Article if the City intends to remove the cart from public or private property or impound such cart.
- b. Any cart without the cart identification sign affixed to it as required by this Article may be removed from the street, sidewalk and other public locations immediately by the City or the Enforcement Official. Such carts may be destroyed or sold by the City.
- c. Where the location of a cart will impede emergency services or otherwise constitutes a public nuisance, or public health and safety risk, the City immediately may remove the

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the sampling process and the statistical tools employed to interpret the results.

3. The third part of the document provides a comprehensive overview of the findings and conclusions drawn from the study. It highlights the key trends and patterns observed in the data and discusses their implications for future research and practice.

4. The fourth part of the document addresses the limitations of the study and offers suggestions for how these limitations can be overcome in future research. It also discusses the potential for further exploration of the topics covered in the study.

5. The fifth part of the document provides a summary of the overall findings and conclusions, along with a final statement of the author's appreciation for the support and assistance provided by the research team and funding agencies.

6. The sixth part of the document includes a list of references and a list of figures and tables. The references list the key sources of information used in the study, while the figures and tables provide a visual representation of the data and results.

7. The seventh part of the document is a concluding statement that reiterates the main findings and conclusions of the study and expresses the author's hope that the research will contribute to a better understanding of the issues at hand.

8. The eighth part of the document is a list of appendices, which include additional data, tables, and figures that are not included in the main body of the document. These appendices provide a more detailed look at the data and results and are intended to be used as a reference for researchers and practitioners.

9. The ninth part of the document is a list of acknowledgments, which expresses the author's gratitude to the individuals and organizations that provided support and assistance throughout the research process. This section is an important part of the document as it recognizes the contributions of others to the work.

10. The tenth part of the document is a list of contact information for the author, including their name, address, phone number, and email address. This information is provided so that interested parties can reach out to the author for more information or to discuss the research further.

11. The eleventh part of the document is a list of references, which includes a comprehensive list of the sources of information used in the study. This list is organized alphabetically and includes the names of the authors, the titles of the works, and the publishers or journals where the works were published.

12. The twelfth part of the document is a list of figures and tables, which provides a visual representation of the data and results. Each figure and table is accompanied by a caption that describes its content and provides a brief summary of the key findings it illustrates.

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cart from public or private property and hold it for up to 30 calendar days after notice to the owner that the cart must be retrieved. After such period of time, the cart may be destroyed or sold by the City.

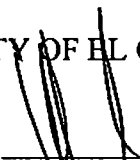
Sec. 16-509. – Penalties for Violation of this Article.

- a. Any person who violates any provision of this Article is guilty of a misdemeanor unless otherwise prosecuted as an infraction as set forth in Section 1-12 of the City Code.
- b. Any owner who violates or fails to comply with or fails to continuously maintain any provision of the cart containment plan or retrieval plan as required by this Article, or who causes, permits or maintains a violation of this Article, shall be guilty of a misdemeanor, unless otherwise prosecuted as, an infraction as set forth in Section 1-12 of the City Code.
- c. Any person who violates any provision of this Article, and any owner who violates or fails to comply with or continuously maintain any provision of the cart containment or retrieval plan, may be subject to enforcement procedures for each violation by any lawful means available to the City, including, but not limited to, those set forth in California Business and Professions Code Sections 22435 et seq., and those set forth in this Code, including an action to abate a public nuisance as set forth in Section 18-49 of this Code. Such remedies shall be cumulative.
- d. The City may fine the owner of a cart an amount not to exceed fifty dollars (\$50) for each occurrence in excess of three occurrences during any specified six-month period for failure to retrieve carts in accordance with this Article. An “occurrence” includes all carts impounded in accordance with this Article in a 24 hour period.


Sec. 2 This Ordinance shall take effect thirty (30) days from and after its adoption. The City Council hereby designates the Office of the City Attorney to prepare a summary of this Ordinance and said summary shall be published and a certified copy of the full text of this Ordinance shall be posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted.

INTRODUCED at a regular meeting of the City Council of the City of El Centro California, held on the 21st day of May 2019.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of El Centro, California, held on the 4th day of June 2019.

CITY OF EL CENTRO
By: 
Edgard Garcia, Mayor

ATTEST:

By: 
L. Diane Caldwell, City Clerk

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APPROVED AS TO FORM:
Office of the City Attorney

By: Elizabeth L. Martyn
Elizabeth L. Martyn, City Attorney

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL) ss
CITY OF EL CENTRO)

I, L. Diane Caldwell, City Clerk of the City of El Centro, California, do hereby certify that the foregoing Ordinance No. 19-03 had its first reading on May 21, 2019, and had its second reading on June 4, 2019, and was passed by the following vote:

AYES: Oliva, Jackson, Garcia, Walker
NOES: None
ABSENT: Silva
ABSTAINED: None

AYES: Oliva, Jackson, Silva, Walker
NOES: None
ABSENT: Garcia
ABSTAINED: None

By: L. Diane Caldwell
L. Diane Caldwell, City Clerk

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