



Staff Report

TO: City Council
FROM: Christina Taylor, Community Development Director
DATE: August 4, 2020
SUBJECT: **Second Reading and Adoption of an Ordinance Adding Chapter 8.55 Regulation of Shopping Carts to the Beaumont Municipal Code**

Background and Analysis:

Many retail establishments provide shopping carts for the convenience of customers, however, shopping carts removed from 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, cause blight in the community, results in the obstruction of free access to public and private sidewalks, streets, parking lots and other ways, interferes with pedestrian and vehicular traffic on public and private streets, and impedes emergency services. In order to minimize the impact of this nuisance, City staff collects and stores abandoned shopping carts while attempting to make contact with the businesses to arrange for carts to be picked up. This has proven to be a strain on City staff time and resources.

On February 4, 2020, citing the issues stated above, City staff requested direction from City Council regarding preparing a shopping cart ordinance. Council directed staff to proceed with preparing an ordinance. After researching how other Inland Empire cities have addressed shopping cart issues, City staff prepared the proposed ordinance.

The ordinance contains the following sections:

- 8.55.010 Declaration of public nuisance**
- 8.55.020 Definitions**
- 8.55.030 Cart containment and retrieval plan**
- 8.55.040 Plan submission and approval**
- 8.55.050 Penalties for failing to submit or implement a plan**
- 8.55.060 Appeals**
- 8.55.070 Unlawful acts by persons**
- 8.55.080 Enforcement**
- 8.55.090 Shopping cart abatement**

8.55.100 Procedures for abatement

8.55.110 Fee

Each section serves a purpose in addressing the City's needs while providing a clear path for business operators to obtain and maintain compliance. The crux of the ordinance revolves around Chapter 8.55.030 Cart Containment and Retrieval Plan. The containment plan establishes requirements for cart identification, prevention measures and mandatory cart retrieval. The ordinance also provides the opportunity for businesses located within the same center to collaborate on a plan.

A plan will be reviewed administratively by City staff and either approved or denied within 30 calendar days. The ordinance provides for modification of a plan if site circumstances change and requires an annual review and recertification of a plan. Chapter 8.55.040 (B) calls for existing retail establishments to submit a plan for review within 60 days of adoption of this ordinance. City staff will be reaching out to individual businesses that fit the criteria and will work with them to establish compliance.

In the event a business is non-compliant, the ordinance provides procedures for obtaining compliance. Chapters 8.55.080 – 8.55.100 establish guidelines and options for addressing shopping carts found outside of a center boundary. The ordinance provides options for notification and removal of carts that allows some flexibility for both the City and the owner depending on the nature of the nuisance.

There is also a cost recovery component for review and approval of a shopping cart containment plan and for the abatement of cart nuisances. The ordinance establishes the use of the administrative citation process in Chapter 1.17 or Chapter 8.32 of the Beaumont Municipal Code. The fee for review and approval of a cart containment plan is being studied and will be presented at City Council for approval prior to implementation. By law, a fee cannot exceed the cost of City staff time necessary to complete the work.

This item was presented at Planning Commission on June 9, 2020. The Commission forwarded a recommendation of approval of the ordinance to City Council after discussion of the following:

- Laundry Carts: should laundry carts be included? We don't see an issue with laundry carts abandoned throughout the City and small businesses may be burdened with having to prepare a plan and label the carts.
- 8.55.040 Plan submission and approval (B) Existing Retail Establishments: The ordinance requires existing businesses provide a cart retrieval plan for review within 60 days of the adoption of this ordinance. City staff has a letter prepared to reach out to businesses and will work with existing businesses to identify cart

containment methods currently in practice that are working and develop a path to implement additional methods where needed.

- 8.55.040 Plan submission and approval (D) Plan Modification: Any addition of carts to a business should be reported to the Planning Department immediately instead of waiting for the cart plan renewal. City staff has inserted language in the ordinance requiring an addition of more than ten carts be reported to the Planning Department within ten days.
- 8.55.100 Procedures for abatement (g) Disposal of carts: The ordinance provides for method of disposal of carts at the City's discretion. Commission suggested recycling should be the first option for cart disposal. City staff has inserted language to this effect.

Fiscal Impact:

Cost of City staff time to research and prepare the proposed ordinance is approximately \$1,000. Adoption of this ordinance will provide for cost recovery of service performed.

Recommended Action:

Waive the second full reading and adopt by title only, "An Ordinance of the City Council of the City of Beaumont adding "Chapter 8.55 Regulation of Shopping Carts" to the Beaumont Municipal Code."

Attachments:

- A. Ordinance Chapter 8.55 Regulation of Shopping Carts