

APPENDIX A
**ORDINANCE ADDING CHAPTER 12 TO TITLE 12 GREELEY MUNICIPAL CODE
CONCERNING ABANDONED SHOPPING CARTS**

Section 1. Chapter 12, Abandoned Shopping Carts, of Title 12, Public Health and Environmental Control, shall be added:

Chapter 12. Abandoned Shopping Carts.

Sec. 12-1201. Legislative Intent.

It is the primary purpose of this Chapter to provide for the prompt retrieval of lost, stolen or abandoned shopping carts in order to promote public safety and improve the aesthetic appearance of the City. It is a purpose of this Chapter to have the owners and operators of businesses providing shopping carts use the means available to them to deter, prevent or mitigate the removal of shopping carts from their business premises, and to retrieve any shopping carts that may be removed despite these efforts. It is a further purpose of this chapter to prevent the illegal removal of shopping carts from the business premises, to prevent the continued possession of illegally removed carts, and to prevent the accumulation of illegally removed carts on public or private properties.

Sec. 12-1202. Declaration of Nuisance.

Retail establishments provide shopping carts for the convenience of customers shopping on the premises of the businesses. A shopping cart that has been removed from the premises of the business and left abandoned on public or private property throughout the city constitutes a public nuisance and a potential hazard to the health and safety of the public. Shopping carts abandoned on public and private property can create conditions of blight in the community, obstruct free access to sidewalks, streets and other rights-of-way, interfere with pedestrian and vehicular traffic on pathways, driveways, public and private streets, and impede emergency services. It is for these reasons that such lost, stolen, or abandoned shopping carts are hereby declared to be a public nuisance.

Sec. 12-1203. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned Shopping Cart is a shopping cart that is left unattended, discarded or abandoned upon any public or private property other than the premises of the retail establishment from which the shopping cart was removed, regardless of whether such shopping cart was removed from the premises with or without the permission of the owner. A cart is presumed lost, stolen or abandoned unless in the possession of retail establishment personnel or enforcement personnel.

Owner means any person or entity that owns, leases or possesses shopping carts available to customers or the public in connection with the conduct of a business.

Premises means any building, property, or other area upon which any retail establishment business is conducted or operated, including the parking area provided for customers in such retail establishment or the shopping center in which such retail establishment is located.

Retail Establishment means any business which offers or provides shopping carts for the use of the customers of such business.

Shopping Cart is a basket which is mounted on wheels or a similar device generally used in a retail establishment by a customer for the purpose of transporting goods of any kind.

Sec. 12-1204. Shopping cart signage

a. Identification Signs on Carts Required. Each shopping cart made available for use by customers shall have an identification sign permanently affixed to it that includes the following information:

1. Identifies the owner of the shopping cart or the name of the retail establishment;
2. Lists a current telephone number or address for returning carts removed from the premises or parking area to the owner or retailer.

Sec. 12-1205. Impoundment

a. The City may immediately impound any lost, stolen or abandoned shopping cart within the City, or any cart within the City to which the required identification sign is not affixed.

b. Carts impounded by the City which are either held for more than 14 days following the date of notification, or carts without an identification sign, may be disposed of or sold by the City.

Sec. 12-1206. Abandoned shopping cart retrieval.

The owner of any abandoned shopping cart, shall, within 48 hours of written notice by the City, retrieve such shopping cart and return it to the premises of the retail establishment from which the shopping cart was removed.

Sec. 12-1207. Penalties.

A violation of this chapter shall be punishable as an administrative code violation pursuant to chapter 10 of title 1 of this Code. Each day such violation continues shall be considered a separate offense.

Secs. 12-1208 – 12-407. Reserved.