

ORDINANCE 2024-2274

AN ORDINANCE OF THE CITY OF LAKE CITY, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES TO CREATE ARTICLE IX TITLED SHOPPING CARTS, TO REGULATE BUSINESSES WITHIN THE CITY OF LAKE CITY, FLORIDA THAT PROVIDE SHOPPING CARTS TO CUSTOMERS; ESTABLISHING SHOPPING CART RETENTION SYSTEM REQUIREMENTS; ESTABLISHING ENFORCEMENT PROCEDURES; ESTABLISHING A CIVIL CITATION PENALTY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the measures set forth in this Ordinance are intended to regulate businesses which make shopping carts available to customers throughout the City of Lake City, Florida (hereinafter the “City”); and

WHEREAS, imposing requirements upon businesses to implement a shopping cart retention system will improve the quality of life and reduce blight by reducing the likelihood that shopping carts will be dispersed beyond the location of the business and will instead be retained on the premises, promote safety of drivers, and discourage illegal removal of shopping carts from businesses; and

WHEREAS, this Ordinance provides for an implementation period, during which this Ordinance will not be enforced, allowing businesses to develop and implement a shopping cart retention system; and

WHEREAS, the public hearings were held pursuant to the published notices described at which hearings the parties in interest and all others had an opportunity to be and were, in fact heard.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA AS FOLLOWS:

Section 1. The above recitals are true and accurate and adopted and incorporated herein.

Section 2. The Code of Ordinances of the City of Lake City, Florida is hereby amended by adding a new Article IX, which article reads as follows (words ~~stricken~~ are deletions; words underlined are additions):

ARTICLE IX - SHOPPING CARTS

Sec. 26-341 – Definitions.

Parking area means a lot or other property provided by a business for the use of customers to park automobiles or other vehicles while doing business in that establishment.

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

Sec. 26-342 - Shopping Cart Retention System.

Every business that makes more than ten (10) shopping carts available to customers shall install and maintain a City approved retention system to retain all shopping carts within the premises of the business location, including any parking area the business has authority to use. Any business failing to implement or properly maintain a City approved retention system is in violation of this Article.

The retention system shall consist of the following:

- a. The business shall affix an identification sign on each shopping cart providing the name, address and phone number of the business.
- b. The business shall affix the following notice to all shopping carts:

WARNING

Any person who removes a shopping cart from the premises or parking area of the business, or is in the possession of any shopping cart, shall be presumed to be in possession of stolen property and is guilty of a misdemeanor of the first degree, punishable by a term of imprisonment of up to one (1) year as provided by Section 506.518, Florida Statutes.

- c. The business shall post signage in a conspicuous location notifying shopping cart users of the retention system and how such system operates.
- d. Permitted methods of retention shall include any one (1) or more of the following methods:
 - 1) A toll-free shopping cart recovery service system whereby any person who identifies a shopping cart outside of the premises or parking area of the business can call the number and a vehicle arranged by the business is dispatched to recover the cart;

- 2) Shopping carts equipped with a protruding arm or similar device preventing the carts from being removed from the interior of the business;
- 3) A system, which may be mechanical in nature, requiring a refundable deposit to use a shopping cart; such deposit should be of a reasonable amount that would not deter the use of the cart, but would encourage the return of the cart;
- 4) Shopping carts equipped with a wheel locking mechanism and anti-tilting bar that is used in conjunction with an electronic barrier along the perimeter of the area where shopping carts are allowed. The wheel locking mechanism shall activate when the shopping cart crosses the electronic barrier;
- 5) Shopping carts equipped with GPS technology that is used in conjunction with a locking mechanism and/or a retrieval operation protocol, such as a shopping cart retrieval management company or retrieval by employees of the business.

Sec. 26-343 - Retention system plan submission; review.

Every business that utilizes shopping carts shall submit its shopping cart retention system plan to the City. Based upon the requirements set forth in Section 26-342, the City shall approve or disapprove the plan within fifteen (15) business days of the plan being submitted and send written notice of the decision to the business. If approved, the proposed plan shall be implemented no later than thirty (30) days after the date of its approval.

Sec. 26-344 - Enforcement; penalties; civil citation.

The City may enforce this article by civil citation. In addition, businesses which are not in compliance with this article shall be subject to appropriate civil action in the court of appropriate jurisdiction for injunctive relief, not limited to the fees as set forth below.

	<u>Failure to implement and maintain an approved shopping cart retention system</u>	<u>I</u>	<u>\$250.00</u>
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Section 3. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect

without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Section 4. Conflicts. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are hereby repealed to the extent inconsistent herewith.

Section 5. Codification. It is the intention of the City Council of the City of Lake City, Florida, that the provisions of this ordinance shall become and be made a part of the Code of the City of Lake City, Florida, and the sections may be renumbered in order to accomplish such intentions.

Section 6. This ordinance shall take effect immediately upon its adoption.

PASSED upon first reading this ____ day of _____ 2024.

NOTICE PUBLISHED on the _____ day of _____ 2024.

PASSED AND ADOPTED on the _____ day of _____ 2024.

CITY OF LAKE CITY, FLORIDA

By: _____
Stephen M. Witt, Mayor

ATTEST:

APPROVED AS TO FORM AND
LEGALITY:

By: _____
Audrey E. Sikes, City Clerk

By: _____
Thomas J. Kennon, III,
City Attorney