

**CITY OF MERCER ISLAND
ORDINANCE NO. 25C-18**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON,
ADOPTING A NEW CHAPTER 9.24 OF THE MERCER ISLAND CITY CODE
RELATED TO SHOPPING CART REGULATIONS; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, retail establishments provide shopping carts for the convenience of customers shopping on the premises of the businesses; and

WHEREAS, shopping carts that have been removed from the premises of the business 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; and

WHEREAS, shopping carts abandoned on public and private property can 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; and

WHEREAS, prevention of illegal possession and accumulation of shopping carts will promote public safety, and improve the image and appearance of the City; and

WHEREAS, Ordinance No. 25C-18 intends to prevent the illegal removal of shopping carts from business premises, and to mitigate the illegal possession and accumulation of shopping carts on public or private property.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND,
WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Adopted. A new chapter 9.24 MICC is adopted as set forth in Exhibit A of this ordinance.

Section 2. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property, or circumstance, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance or its application to any other person, property, or circumstance.

Section 3. Publication and Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in force on October 1, 2025, provided thirty days have passed since the date of publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON AT ITS MEETING ON THE 15TH DAY OF JULY 2025.

CITY OF MERCER ISLAND

Salim Nice, Mayor

Approved as to Form:

ATTEST:

Bio Park, City Attorney

Andrea Larson, City Clerk

Date of Publication: _____

EXHIBIT A

CHAPTER 9.24 – Retail Shopping Cart Regulations

9.24.010 Definitions.

The terms used in this chapter shall have the following meanings:

- A. “Authorized agent” means the owner, or an employee or authorized agent of the owner, entitled to possession of the retail shopping cart.
- B. “Authorized customer” means a customer of the retail establishment that provides the retail shopping cart, having the written permission of the owner or owner’s agent to remove the retail shopping cart from the owner’s premises.
- C. “Enforcement personnel” means any code enforcement officer, police officer, or other designated staff employed by the City of Mercer Island.
- D. “Identification sign” or “cart sign” means a clearly visible sign fastened to each retail cart that provides ownership information required by this chapter.
- E. “Lost, stolen, or abandoned retail shopping cart” means a retail shopping cart that is either:
 - a. Removed from the premises of a retail establishment by any person without the written permission or consent of the owner of the retail shopping cart or the retailer otherwise entitled to possession of such retail cart; or
 - b. Left unattended, discarded or abandoned upon any public or private property other than the premises of the retail establishment from which the retail shopping cart was removed, regardless of whether such retail shopping cart was removed from the premises with permission of the owner;
 - c. For purposes of this chapter, any retail shopping cart located on any public or private property other than the premises of the retail establishment from which such retail shopping cart was removed shall be presumed lost, stolen, or abandoned, even if in the possession of any person, unless such person in possession thereof is either:
 - i. The owner, or an employee or authorized agent of the owner, entitled to possession of said retail shopping cart; or
 - ii. City enforcement personnel retrieving, storing or disposing of said retail cart pursuant to the provisions of this code; or
 - iii. An authorized customer with written permission from the owner or agent of the owner to take the retail cart off premises.
- F. “Owner” means any person or entity that owns, leases, possesses, or makes retail shopping carts available to customers or the public in connection with the conduct of a retail establishment.
- G. “Parking area” means a parking lot or other property provided by a retail establishment for the use of customers of said retail establishment for the parking of customer vehicles. The parking area of a retail establishment located in a multistore complex, or a shopping center shall include the entire parking area used by the multistore complex or shopping center.
- H. “Premises” means any building, property, or other area upon which any retail establishment conducts or operates business in the City of Mercer Island, including the parking area provided for customers in such retail establishment.
- I. “Retail establishment” means any business located in the City of Mercer Island which offers or provides shopping carts for the use of the customers of such business regardless of whether

such business is advertised or operated as a retail or wholesale business, and regardless of whether such business is open to the general public, is a private club or business, or is a membership store.

- J. "Retail shopping cart" or "retail cart" means a shopping cart or cart made available by a retail establishment for use by its customers.
- K. "Shopping cart" or "cart" means 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.

9.24.020 Retail shopping cart signage.

- A. *Retail Shopping Cart Identification Signs Required.* Each retail shopping cart shall have a cart sign permanently affixed to it that includes the following information in accordance with RCW 9A.56.270, as now enacted or hereafter amended:
 - a. Identifies the owner of the cart or the name of the business establishment, or both;
 - b. Notifies the public of the procedure to be utilized for authorized removal of the cart from the premises;
 - c. Notifies the public that the unauthorized removal of the cart from the premises of the business or parking area of the retail establishment, or the unauthorized possession of the cart, is unlawful; and
 - d. Lists a current telephone number and address for returning carts removed from the premises or parking area to the owner or retailer.
- B. *Notice to Customers.* Conspicuous signs warning customers that the removal of retail shopping carts from the premises is prohibited by state and City law must be placed and maintained on the premises near all customer entrances and exits and throughout the premises, including the parking area.
- C. *Enforcement.* Failure to comply with the signage requirement may result in a fine of \$500 every six months that the retail establishment is out of compliance.

9.24.030 Notification and opportunity to retrieve retail cart.

- A. The City shall utilize the required identification signage to notify the owner that a lost, stolen or abandoned retail shopping cart has been found outside of the premises of a retail establishment. The owner or owner's agent must retrieve any lost, stolen or abandoned retail cart(s) within 48 hours of City providing such notice.
- B. A lost, stolen, or abandoned retail cart with the required identification sign affixed thereto that is not retrieved by the owner or the owner's agent within 48 hours of the notification may be picked up by the City or an agent thereof and returned to the premises from which it was taken. Fees for pick-up and return of retail shopping carts by the City are set forth in MICC 9.24.040.
- C. A retail shopping cart may be immediately picked up by the City without notice under the following circumstances:
 - a. *Hazardous Location.* If a retail shopping cart will impede emergency services, or the normal flow of vehicular or pedestrian traffic, City enforcement personnel are authorized to immediately retrieve the retail shopping cart from public or private property and return it to the premises from which it was taken; or

- b. *Private Property.* If a retail shopping cart is on private property and the owner of such property requests removal, City enforcement personnel are authorized to immediately retrieve the retail shopping cart from the property and return it to the premises from which it was taken; or
- c. *Lack of Identification.* If a retail shopping cart does not have the required identification sign affixed thereto, City enforcement personnel are authorized to immediately retrieve the retail shopping cart from the public or private property and dispose of it without notice.

9.24.040 Retail shopping cart return fees.

- A. *Return Fees.* The owner of a lost, stolen, or abandoned retail shopping cart picked up and returned pursuant to MICC 9.24.030 shall be responsible for an administrative fee of \$100 per retail shopping cart returned to the premises. No fees will be charged for the first 3 returns to an owner. Fees must be paid within 60 days of the date of the invoice provided by the City. Fees that are not timely paid may be referred to a collection agency.
- B. *Fee Deferral or Waivers.* The City may defer or waive, in whole or part, fees owed pursuant to this section when the following conditions are met:
 - a. Retail shopping cart(s) belonging to the owner have been picked up and returned pursuant to MICC 9.24.030 no more than 3 times in the preceding 12 months; and
 - b. The required identification sign is affixed to each retail cart.
- C. The City's retail shopping cart pick-up and return services are provided on a limited basis only and are not intended to supplant a retail cart owner's obligation to contain and retrieve retail shopping carts as required by MICC 9.24.030. Nothing contained herein shall be interpreted or construed as placing an affirmative obligation on the City to pick up and return lost, stolen, or abandoned retail shopping carts.

9.24.050 Illegal possession or accumulation of retail carts.

- A. For purposes of this chapter, any retail shopping cart located on any public or private property other than the premises of the retail establishment from which such retail shopping cart was removed shall be presumed lost, stolen, or abandoned, even if in the possession of any person, unless such person in possession thereof is:
 - a. An authorized agent; or
 - b. Retail Establishment personnel; or
 - c. Enforcement personnel; or
 - d. An authorized customer.
- B. Any person removing a retail shopping cart from the premises of an owner, without the written permission of the owner or the owner's authorized agent, shall be guilty of shopping cart theft, which is a misdemeanor pursuant to RCW 9A.56.270.
- C. Anyone who knowingly possesses a retail shopping cart without the written permission of the owner is guilty of possession of stolen property in the third degree, which is a gross misdemeanor pursuant to RCW 9A.56.170.

9.24.060 Operation of retail shopping cart on public right-of-way or park.

It is a civil infraction to push, pull, possess or otherwise operate a retail shopping cart on a public right-of-way or in a city park, and punishable by a civil penalty of \$50.00.